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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
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Jan. 21, 1992	Jan. 28, 1992	6	Feb. 7, 1992	July 28, 1992	Aug. 4, 1992	33	Aug. 14, 1992
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May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
May 19, 1992	May 26, 1992	23	June 5, 1992	Nov. 24, 1992	Dec. 1, 1992	50	Dec. 11, 1992
May 26, 1992	June 2, 1992	24	June 12, 1992	Dec. 1, 1992	Dec. 8, 1992	51	Dec. 18, 1992
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June 9, 1992	June 16, 1992	26	June 26, 1992	Dec. 15, 1992	Dec. 22, 1992	1	Jan. 4, 1993 (Mon)
June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:
- | | |
|-----------------|---------|
| 310.290 | Amended |
| 310.450 | Amended |
| 310.455 | Amended |
| 310.470 | Amended |
| 310.530 | Amended |
| 310.540 | Amended |
| 310. Appendix C | Amended |
| 310. Appendix D | Amended |
- 4) Statutory Authority: Ill. Rev. Stat. 1989 1991, ch. 127, par. 635108a(2)
- 5) A Complete Description of the Subjects and Issues Involved:

The Department of Central Management Services is filing amendments to the Pay Plan to implement the Fiscal Year 1993 changes that affect those employees subject to the Merit Compensation System Salary Schedule. The following sections are being amended:

In Section 310.290, Out-of-State or Foreign Service Rate, salary ranges for those titles within this section are being increased to maintain their present differential for positions out of the State of Illinois. Also, at the request of the Department of Revenue, the Office Administrator IV classification is being included with the salary range of \$2,142 - 3,357 for the State of California and New Jersey, and \$1,895 - 2,969 for all other states.

In Sections 310.450, 310.530 and 310.540, the provision which suspended salary increases under the Merit Compensation System Salary Schedule is being omitted.

In Section 310.450(d), the provision is being changed to reflect that no increase can be provided on ratings of "Needs Improvement" or "Unacceptable".

In Section 310.455, the Intermittent Merit Increases are being suspended for Fiscal Year 1993.

In Section 310.470, a provision is being included that an approved salary adjustment of more than either 3% or \$150.00 per month will change the employee's creditable service date.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.540, the Merit Increase Guidechart has been revised to reflect the following percentage increases for the following evaluations: 0% to 8.5% for superior, 0% to 6.5% for Exceeds Expectations and 0% to 4.5% for Meets Expectations.

In Section 310. Appendixes C and D, the Schedule for the Physician Administrator Rates and Medical Facilities Administrator Rates and the Merit Compensation System Salary Schedule have been adjusted by 4% for Fiscal Year 1993.

- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
If "yes", please specify date:
- 8) Do these proposed amendments contain any incorporations by reference?

No.

- 9) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.290	Amended	16 Ill. Reg. 6521 (April 24, 1992)
310.110	Amended	16 Ill. Reg. 1992 (August, 1992)
310.130	Amended	16 Ill. Reg. 1992 (August, 1992)
310. Appendix B	Amended	16 Ill. Reg. 1992 (August, 1992)

- 10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

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ADMINISTRATIVE SERVICES LIBRARY

- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.
- B) Types of small businesses affected:
- None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- C) Reporting, bookkeeping or other procedures required for compliance:
- None.
- D) Types of professional skills necessary for compliance:
- None.

The full text of the proposed amendments is identical to the emergency amendments published on page 14455 of the Illinois Register.

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 3, 1992
- B) Types of small businesses affected: This proposed amendment will not affect any small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The text of the Proposed Amendment is identical to the text of the emergency amendment that appears in this issue of the Illinois Register at page 14472.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

- | | |
|----------------------------|---|
| 1) <u>Heading of Part:</u> | Uniform Disposition of Unclaimed Property Act |
| 2) <u>Code Citation</u> | 38 Ill. Adm. Code 180 |
| 3) <u>Section Number:</u> | <u>Proposed Action:</u> |
| 180.10 | Amendment |
| 180.22 | New Section |
| 180.24 | New Section |
| 180.30 | Amendment |
| 180.92 | New Section |
| 180.94 | New Section |
| 180.100 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the Uniform Disposition of Unclaimed Property Act (Ill. Rev. Stat. 1991, ch. 141, pars. 101 et seq.).
 - 5) Complete Description of the Subjects and Issues Involved:
 - Section 180.10 is amended to provide definitions for Act, Commodities and Security.
 - Section 180.22 is added and provides that holder of unclaimed property can submit reports on paper forms, computer disk, magnetic tape or compact disk.
 - Section 180.24 is added and provides that incomplete or inaccurate reports or remittances by holders of unclaimed property must be corrected and resubmitted to the Department and failure to do so will be a basis for examination of the holder.
 - Section 180.30 is amended and corrects to dormancy period from 7 to 5 years in accordance with the latest amendment to the Act and updates statutory citation in subsection (b).
 - Section 180.92 is added and provides that remittance of securities and commodities shall be made to the Director, Department of Financial Institutions or deposited into existing security or commodity accounts.
 - Section 180.94 is added and provides that commodities and securities remitted to the Department shall, except under specific conditions, be sold prior to 90 days after publication of the owner's name and address and shall be sold prior to expiration of one year.

DEPARTMENT OF FINANCIAL INSTITUTIONS
NOTICE OF PROPOSED AMENDMENT

Section 180.100 is amended to provide expedited claims handling for owner claims up to \$500.00 in value, and creating three levels of claim amounts \$500.00, over \$500.00 but less than \$5000.00 and over \$5,000.00 with different signature requirements. It further provides a method for handling two-party checks.

6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect?

No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Incorporations by Reference? No

9) Are there Any Other Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat., 1989, ch. 85, par. 2203).

11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking: The Department will accept only comments submitted on a Response Form provided by the Department. Comments must be received within forty-five days of the date of this publication.

Requests for response forms and submission of comments are to be directed to:

Henry Sintzenich, Deputy Counsel
Department of Financial Institutions
500 Iles Park Place, Suite 314
Springfield, IL 62718-1094
217/782-3704

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of Small Business Affected: Holders of Unclaimed Property and Owners. Minimum essential requirements are imposed by this rulemaking to provide for compliance and consumer protection.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance: Filing and updating of reports and remittances of unclaimed property by holders and submission of claim forms by owners.

D) Types of Professional Skills Necessary for Compliance: Basic management and recordkeeping.

The full text of the proposed amendments begin on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONSPART 180
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section	
180.10	Definitions
180.20	Negative Reports
180.22	Format/Form of Reports
180.24	Incomplete/Inaccurate Report or Remittance
180.30	Safe Deposit Boxes
180.40	Cost of Mailing
180.50	Nominee and Street Name Property
180.60	Lawful Charges
180.70	Discontinuance of Interest or Dividends
180.80	Statute of Limitations
180.90	Examination of Property Holders
180.92	Remittance of Securities and Commodities
180.94	Receipt and Sale of Securities and Commodities
180.100	Claims
180.110	Hearing on Claims

AUTHORITY: Implementing and authorized by the Uniform Disposition of Unclaimed Property Act (Ill.Rev. Stat. ~~1991~~1991, ch. 141, pars. 101 et seq.).

SOURCE: Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 day; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 16 Ill. Reg. _____, effective _____.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

Section 180.10 Definitions

"Act" means the Uniform Disposition of Unclaimed Property Act (Ill. Rev. Stat. 1991, ch. 141 par 101 et seq.)

"Active Express Trust" - excludes any trust:

the purpose for which it was created no longer exists and no court having jurisdiction shall have entered an order in connection therewith; or

of which no beneficiary can be located to whom income or increment from such trust is payable or distributable.

Intangible personal property held for the benefit of a person, firm or entity not designated as beneficiary pursuant to the terms of said trust shall not be deemed to be held in a fiduciary capacity by said trustee.

"Activity" - occurs when the owner takes any action described in Section 2 of the Act which prevents a presumption of abandonment.

Activity in any account on a consolidated statement shall constitute activity for any other account on that statement.

Non return of mail shall constitute activity only if the holder sends a notice to the owner, return receipt requested, and has on file the signed return receipt.

"A Matured Time Deposit" - is any time deposit, certificate of deposit, money market certificate or like instrument on which the initial term has expired, notwithstanding any automatic extension or renewal.

"Commodities" - means a basic item or staple product underlying commodity future contracts, or traded as physical units of delivery for immediate delivery in the cash or spot market.

"Property" - means any property, tangible or intangible, reportable to the Director of the Department pursuant to the Act. Property which would be reportable prior to deduction of service charges is deemed reportable under this definition.

"Safe Deposit Box" - includes any safe, vault, safekeeping repository, agency, or collateral deposit box.

"Security" - means any note, stock, treasury stock, bond,

CHICAGO REAL ESTATE EXCHANGE

DEPARTMENT OF FINANCIAL INSTITUTIONS

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debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, investment fund share, face-amount certificate, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas or other mineral lease, right or royalty, any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service Charges" - constitute any charge deducted by a holder from property subject to the Act, which is imposed solely by virtue of the inactivity of that property; this includes service charges, handling charges, and administrative costs.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 180.22 Format/Form of Reports

Commencing January 1, 1993 a holder must file the report required under Section 111 (b) of the Act on a:

- a) paper form provided by or approved by the Department;
- b) computer disk formatted according to the Department's instructions;
- c) magnetic tape formatted according to the Department's instructions; or
- d) compact disk formatted according to the Department's instructions.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 180.24 Incomplete/Inaccurate Report or Remittance

- a) Any report or remittance submitted to the Department which is:

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- 1) incomplete (i.e., reports which do not include vital and pertinent information, appropriate detail, correct format or remittances made out to an improper payee, or account, or security designee); or
- 2) inaccurate (i.e., reports that are out-of balance and remittances that are less than the property reported or do not include remittable interest, dividends, stock splits or underlying securities) shall be returned to the holder for correction.
- b) The holder shall submit a corrected report or remittance to the Department within 20 calendar days of the Department's return of the original report or remittance to the holder.
- c) Failure of the holder to submit a corrected, accurate and complete report or remittance within the time set forth in subsection (b) shall be sufficient reason to believe and grounds for examination of the holder under section 123 of the Act.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 180.30 Safe Deposit Boxes

- a) Pursuant to Section 2(d) of the Act, safe deposit boxes which have been unclaimed for 5 ~~7~~ years or more shall be opened. Unless opened by the owner, such boxes shall be opened and inventoried in the presence of at least two employees of the holder who shall verify the accuracy of said inventory. The property shall then be sealed for safekeeping until delivered to the owner or the Department.
- b) The property shall be offered by the Department for public sale pursuant to Section 17 of the Act or by the holder pursuant to "An Act to provide for the sale of personal property by common carriers, warehousemen, and innkeepers, and by others having lien thereon" (Ill. Rev. Stat. 1989, ch. 141, pars. 1 et seq.). In the case of sale by holder, the proceeds shall be delivered to the Department.
- c) The holder may be reimbursed or may deduct actual mailing, drilling and opening costs as prescribed by Section 2(d) of the Act. No other charges may be deducted unless otherwise authorized by law or expressly provided for by lawful contract

DEPARTMENT OF FINANCIAL INSTITUTIONS

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with the owner.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 180.92 Remittance of Securities and Commodities

a) Unless otherwise provided, all securities and commodities when remitted to the Director shall:

- 1) be registered as "Director, Department of Financial Institutions"; or
- 2) be deposited into a new or existing securities or commodities account in the name of "Director, Department of Financial Institutions" and
- 3) include all dividends, interest, warrants, or other rights, or associated cash in a check payable to "Director, Department of Financial Institutions";

b) The Director may, when remittance cannot be made as provided in subsection (a), provide written instructions to the holder for remittance of the particular security or commodity.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 180.94 Receipt and Sale of Securities and Commodities

a) Securities and commodities received by the Director as unclaimed property shall be sold as soon as practical and not later than one year from the date of receipt subject to the following:

- 1) Securities and commodities shall not be sold prior to ninety (90) calendar days subsequent to the date of the first publication of the owner's name(s) and address(es), pursuant to Section 12 of the Act; unless the Director or the Director's authorized representative determine it would be in the best interests of the owner (such as: responding to a tender offer, bankruptcy filing, liquidation, adverse or favorable market conditions) for the sale to occur prior to the expiration of the ninety (90) calendar day period.

DEPARTMENT OF FINANCIAL INSTITUTIONS

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2) Securities and commodities eligible for sale will not be sold where a claim has been filed with the Department by a potential owner, heir or agent. However, upon approval of a claim, the owner, heir or agent may request the Director to dispose of the securities or commodities by sale and remit the net proceeds to the owner, heir or agent, or upon disapproval of the claim, the Director shall by sale dispose of the securities or commodities.

b) Securities and commodities which become reportable abandoned property under the Act, when remitted to the Director must include all interest, dividend(s), stock split(s), if any, warrants, or other rights even though said interest, dividend(s), stock splits(s), warrants, or other rights standing alone would not be reportable abandoned property.

c) Interest, dividend(s), stock split(s), warrants, or other rights which become reportable abandoned property under the Act, must, when remitted to the Director include the underlying security or commodity giving rise to the interest, dividend(s), or split(s), warrants, at other rights.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 180.100 Claims

a) Filing of Claims.

1) Claims shall be prepared and filed only on forms provided by the Department, which shall provide, upon request, the following:

- A) Owner Claim Form;
- B) Owner, Indemnification form;
- C) Holder Claim Form;
- D) Corporate Claim form;
- E) Heir/Other Claim Form; or
- F) Small Estate Affidavit.

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DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

- 2) ~~The claimant shall assert on the appropriate form that he or she is the true owner of the unclaimed property and agrees to indemnify and hold harmless the Department, its officers and employees, and the State of Illinois in the event of a successful claim to such property by another claimant.~~
The claimant shall assert on the appropriate form that he or she is the true owner of the unclaimed property and agrees to indemnify and hold harmless the Department, its officers and employees, and the State of Illinois in the event of a successful claim to such property by another claimant.

- 3) ~~The signature of the claimant or claimants shall be notarized by a notary public or be guaranteed by an officer of a bank, or financial institution with which the claimant currently does business.~~
If the subject property is valued at more than \$500.00 but less than \$5000.00, the signature(s) of the claimant(s) shall be notarized by a notary public or be guaranteed by an officer of a bank, or financial institution with which the claimant(s) currently does business.

- 4) If the subject property is valued at \$5,000 or more, the signature(s) of the claimant(s) shall be guaranteed by an officer of a bank or other financial institution with which the claimant(s) currently does business.

- 5) If the claimant(s) is the owner and the value of the property does not exceed \$500.00, a fully completed owner claim form and owner indemnification form, submitted to the Department will be accepted as "proof of claim", unless the Department has facts within its knowledge which would rebut the claim.

- 6) If the subject property is a two-party check the claimant must, in addition to submitting a fully completed claim form:

- A) submit the original check or
B) submit verification in the form of an affidavit from the issuing agent of the check that the claimant(s) is the true owner of the check and the issuing agent would pay the value of the check to the claimant(s)

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- ~~if the issuing agent had not remitted the funds to the Director or~~
C) ~~post a surety bond, issued by an insurance company with an A+ or A rating by A. M. Best and Company, in the amount of the check.~~

- b) Assignment of Interest.

The Director shall consider the claim of a designee or attorney-in-fact of any claimant provided that:

- 1) a properly executed and notarized release of interest or power of attorney is submitted with the claim form; and
- 2) the person filing the claim has submitted an affidavit stating that the claimant is the true owner of the property; and
- 3) claim proceeds shall only be delivered to the rightful owner; and
- 4) compensation shall not exceed 10% of the claim amount collected; except as provided by Section 20(c) of the Act.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

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1) The Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel.

2) Code Section: 41 Ill. Adm. Code 140

<u>Section Number:</u>	<u>Proposed Action</u>
140.8	Amendment
140.12	Amendment
140.18	New Section
140.40	Amendment
140.50	Amendment
140.55	Amendment
140.60	Amendment
140.65	Amendment
140.70	Amendment
140.80	Amendment
140.90	Amendment
140.130	Amendment
140.140	Amendment
140.150	Amendment
140.160	Amendment
140.171	Amendment
140.180	Amendment
140.185	Amendment
140.220	Amendment
140.230	Amendment
140.232	New Section, renumbered from 140.240
140.234	New Section, renumbered from 140.260
140.236	New Section, renumbered from 140.290
140.240	New Section
140.305	Amendment
140.310	Amendment
140.390	Amendment
140.400	Amendment
140.420	New Section
140.250	Repealed

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 85, Par. 538, and Ch. 127 1/2, Par. 501.

5) A Complete Description of the Subjects and Issues Involved: Standards have been updated to the more commonly used contemporary standards. Sections dealing with Hazardous materials have been renumbered and revised and the Hazardous Materials Specialist has been deleted. New

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sections dealing with Roadway Extrication and appeal process have been added.

6) Will the proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective (if applicable). The programs do not impose any mandates upon local governments as their participation is voluntary

11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking:

The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259

12) Initial Regulatory Flexibility Analysis:

A) Date the rule submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 28, 1992.

B) Types of Small Businesses and Municipalities Affected: The Office knows of no small businesses affected, but schools training fire fighters (mostly municipalities) may be affected by the changes in training programs.

C) Reporting, bookkeeping or other procedure required for compliance: Training and various other records are required to insure delivery of required training and proof of status as a member of a fire department.

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- D) Types of Professional Skills necessary for Compliance: Clerical and Bookkeeping skills as well as the skills, experience and education specified in the individual rules.

The full text of the Amendments begins on the next page.

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL
PART 140
POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

Section

Authority Notes

- 140.1 Definitions
- 140.2 Applicability of Part 140
- 140.3 Program Goals (Repealed)
- 140.4 State Examinations
- 140.8 Division Responsibilities (Repealed)
- 140.10 Resources Required for Certification as a Provisionally Approved Training Facility
- 140.11 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
- 140.12 Certificates Earned by Bypass Examination
- 140.13 Course Approval
- 140.15 Examination Procedures for End-of-Course Exams Not Administered by the Office
- 140.16 Course Approval Equivalency
- 140.18 Requirements for Participation
- 140.20 Course Approval Standards
- 140.25 Developmental Sequence (Repealed)
- 140.30 Certified Firefighter I
- 140.40 Certified Firefighter II
- 140.50 Airport Firefighter
- 140.55 Certified Firefighter III
- 140.60 Certified Fire Apparatus Engineer
- 140.65 Fire Officer I
- 140.70 Fire Officer II
- 140.80 Fire Officer III
- 140.90 Instructor (Repealed)
- 140.100 Interim Instructor
- 140.110 Special Instructor (Repealed)
- 140.120 Fire Service Instructor I
- 140.130 Fire Service Instructor II
- 140.140 Fire Service Instructor III
- 140.150 Fire Service Instructor IV
- 140.160 Airport Firefighter (Repealed)
- 140.170 Fire Prevention Officer I
- 140.171 Fire Prevention Officer II
- 140.180 Fire Prevention Education Officer II
- 140.185 Bypass Examination
- 140.190 Fire Investigator
- 140.200 Arson Investigator
- 140.210

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Section

- 140.215 Fire Prevention Inspector II
- 140.220 Fire Prevention Inspector III
- 140.230 Hazardous Materials First Responder
- 140.232 Hazardous Materials Technician
- 140.250 Hazardous Materials Specialist (Repealed)
- 140.234 Chemistry of Hazardous Materials
- 140.235 Hazardous Materials Refresher Training
- 140.240 Rescue Specialist-Roadway Extrication
- 140.300 Rules and Regulations for Reimbursement Funding
- 140.305 Prerequisites for Participation for Reimbursement Funding
- 140.310 Requirements
- 140.315 Claim Forms
- 140.320 Claim Deadline
- 140.325 Amount of Reimbursement
- 140.350 Appropriations
- 140.360 Advanced Training Programs
- 140.370 Funding Hours (Repealed)
- 140.380 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding (Repealed)
- 140.390 Advisory Committees
- 140.400 Invalidation of a Student's State Examination Score
- 140.420 Appeal Process

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1991, ch. 85, pars. 538 and 541), and "AN ACT Relating to fire prevention, amending certain Acts herein named" (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 501).

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12994, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 10, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; amended at 11. Reg. effective

NOTE: ALL CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 140.8 State Examinations

Except as otherwise noted in this Section, all State written examinations will be developed, provided, and administered by Office personnel. Local instructors desiring to schedule state examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested,

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the number of examination requests may necessitate delays and regional testing. Instructors requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby which might interfere with the need for a quiet area for taking written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the exam must be adhered to:

- 1) Candidates not present in the room at the time the proctor starts the exam will be disqualified from taking the exam.
- 2) There can be nothing on the walls at test site that could pertain to exam questions.
- 3) Test administrator must be provided a table at least 6 feet in length.
- 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
- 5) The department hosting the test must supply a representative from the department at the test site during the exam. This will be the only representative of the department allowed in the test room at the time of the test.
- 6) Test site must have toilet facilities in proximity in the same building.
- 7) All candidates must be in clear view of the proctor's table.
- 8) Copies of Emergency Medical Technician (EMT) or Paramedic cards must be supplied prior to the start of the exam, or can be mailed to Division Office the day after exam is given.
- 9) The test site must have temperature control for comfort of candidates.

- b) Passing rate for all written certification examinations will be 70% of the test.

- b) Examination results will be sent to the individual taking the examination, the chief of the individual's fire department and when applicable, the school which provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release

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the examination scores of any individual without the prior written approval of the individual.

ed) State certifications for qualified fire service personnel may be awarded to individuals employed both by local governmental agencies and to State of Illinois employees, after successful completion of all requirements.

ed) Procedure to Request State Administered Certification Exam. At least 30 days prior to the anticipated day for testing at a given fire department or school, the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief and the Certified Instructor, which will attest to the fact that each individual has:

- 1) A documented learning experience in each of the subject areas of the course required;
- 2) Satisfactory scores on all local examinations; and
- 3) Demonstrated the proficiency required in each of the skill requirements identified for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an Fire-Officer of the fire department or his designee in the accomplishment of these skills; that and local records are maintained which contain copies of the evaluator's checklists and evaluation sheets for each individual.

In the case of state mandated practical exams, a copy of the evaluator's checklist or Practical Examination Key must be submitted to the Division before certificates will be issued.

fe) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-subject written examinations of fire departments and community colleges which show satisfactory learning experiences and scores are recognized as satisfying the learning experience requirements.

gf) Persons who have not met all prerequisites listed in (d) above, will not be examined. Nor will persons who are ill, or obviously under the influence of drugs or alcohol, persons on duty who may be called out during the examination. In making the determination of such impairment, the Office will consider, but is not limited to, observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would benefit in making such determination.

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hg) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators, and slide rules. The only paper allowed in the test center is a tablet which will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination.

Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".

ih) Results of examinations taken for the purpose of state certification will be retained in the individual training record file maintained for each individual in the Office. All participants who receive certification will have notification of successful completion sent to their department.

j) Re-examination

1) No person shall be re-examined without further documented learning experiences in each of the subject areas.

2) The Request for Examination form contains an attestation statement that proof exists that the individual has had the required additional learning experience before re-examination.

3) In the case of failure, individuals must wait 60 days before retaking the state written examination of that level.

4) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a state certification examination.

5) The battery of examination to be given will be determined by the Office.

6) No person shall be re-examined without further documented learning experiences in each of the subject areas. To retake a level of state certification written exam within 12 months of the date of the

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~~original examination does not require a re-examination of the manipulative skills portion. In case of failure, individuals must wait 60 days before retaking the state-written examination of that level. The battery of examination to be given will be determined by the Office. A Request for Examination Form is required with attestation statement as required for the original examination showing proof that the individual has had the required additional training experience before re-examination. There is no limit set by the Office for the number of times that an individual may take the written portion of a state certification examination. However, no individual may take the written portion of a state certification examination more than 5 times within twelve months. If the written portion of the examination is not successfully completed within 12 months of the date of the practical examination, the candidate will be required to retake the practical examination. If firefighters from a given fire department experience excessive or repeated failures of firefighter examinations, the Training Officer and/or Fire Chief of the department are encouraged to visit the division offices to discuss the department's training program.~~

k) Practical skill exams mandated by the Office for Fire Apparatus Engineer and Hazardous Materials certifications remain valid for 12 months. If an individual has not passed the written exam within 12 months of the practical skills evolutions, the candidate will be required to retake the state practical exam.

l) State mandated practical skill evolutions for Firefighter I, II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to set standards and assure currency of skills.

m) If firefighters from a given fire department experience excessive or repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to visit the Division to discuss the department's training program, or may request a field visit for assistance.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility center must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

a) Facilities:

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- 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
- 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
- 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
- 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and

5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies) and rescue which must include:

- A) Structural fires;
- B) Flammable Liquid fires;
- C) LP and natural gas fires; and
- D) Automobile fires.

b) Apparatus:

Pumper apparatus, fully equipped as prescribed in NFPA No. 1901 (1985), "Automotive Fire Apparatus".

c) Equipment:

- 1) All current types and classes of portable fire extinguishers;
- 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
- 3) Ropes of assorted lengths, which can be used for rescue, rappelling and practicing knots and lashings;

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- 4) All equipment specified by NFPA No. 1901 (1985);
 - 5) Salvage and overhaul equipment including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
 - 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his training;
 - 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;
 - 8) Slide and/or overhead projector and a 16mm movie projector and screen;
 - 9) Standard classroom equipment: chalk board, speaker's rostrum;
 - 10) Protective clothing (one full set for each student) including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); and
 - 11) Other instructional aids as may be needed such as, cutaways of equipment, models, flip charts.
- d) Records and Established Procedures

An established system of records maintenance that includes:

- 1) Training records which reflect who was trained, objectives of subject taught relating to Instructor Reference Manual, by whom, how, when and where conducted.
- 2) A system of evaluating the effectiveness of the class, the instructor and all participants including:
 - A) Testing technique utilized; oral, written, practical or combination; and
 - B) Performance appraisal and evaluation: ranking, factor comparison, grading, graphic rating scale, checklist.
- 3) Individual training records which show when each person began training in each subject area, individual to whom responsible, the objective of his training, intermediate goals, performance criteria, ultimate goal and estimated completion date.

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- 4) Records of training. The Office shall approve training records which contain the following:
 - A) Location of training
 - B) Dates of training
 - C) Name of Instructor-signature
 - D) Signature/initials of trainee
 - E) Academic practical training record
 - F) Subject training record correlated to objectives
 - G) Receipts of training
- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.
(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.18 Course Approval Equivalency

Equivalency for an approved course will be granted if the following conditions are met:

- a) Complete course outline with measurable objectives is submitted to the Office for review.
- 1) These objectives must meet a minimum of 80% of the Office requirements.
- 2) A checklist of required objectives must be completed by correlating the course with required objectives. The checklist will be prepared by the Office and may be requested by contacting the Office.
- b) Final written and where applicable, practical exams are submitted to Office for review.
- c) To be approved after July 1, 1992, courses must be audited by a member of Division of Personnel Standards and Education staff or person designated by the Office.
- d) If course is approved, completion roster must be submitted with record of attendance (hours).

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- e) All Division of Personnel Standards prerequisites are met according to appropriate rulemaking.

(Source: Added at Ill. Reg. , effective , 1992)

Section 140.40 Certified Firefighter I

The Certified Firefighter I program is designed as an intermediate step in the Firefighter II program which is defined by the Office as the basic training requirement for fire protection personnel, and is also equivalent to the Firefighter I level identified in NFPA 1001 (1987).

- a) Prerequisites. A candidate for Firefighter I certification must be employed in Illinois as a fire protection person or trainee according to Chapter 85, par. 531 et seq.

- b) Funding. A maximum of 150 hours is available for reimbursement funding. The Office will fund this level of training only one time. Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required by the Office to pass the Firefighter II examination) qualify for reimbursement funding for two years from the date of the passage of the Ordinance.

- c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter I certification until the local Instructor and the Fire Chief sign the Request for Examination Form.

- d) Instructor Requirements. The Certified Firefighter I course must be taught by a Fire Service Instructor I, or above, or an Interim Instructor.

- e) Facility Certification and Delivery Systems

- 1) Minimum facility requirements for this level of instruction are that of a Certified Provisional Facility. (See Section 140.11).

- 2) See Course Approval, Section 140.15.

- f) Curriculum shall consist of a course or courses covering the knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1987 edition, Chapter 3. This standard is incorporated by reference and includes no later standard or edition.

- g) State Certification Practical Skills Examination

- 1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office.

Records and documented proof of such tests must be maintained by the department/school. Local fire departments are responsible for the practical skills test of firefighters prior to the administration of the written examination for certification. The depth of the practical skills testing is determined by the training officer and successful completion of such tests are a prerequisite before any written examination for certification is administered. Records and documented proof of such tests must be maintained by the fire department training officer.

- A) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences. If every possible effort is exhausted, the Office will, at the request of the Fire Chief, substitute a local requirement, where the practical skills to be tested are contrary to local policy.

B) Practical Skill Examinations

- 1) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolution to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.

- 2) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.

All practical skill examinations, including overall end-of-course examinations, need not test every evolution and/or skill. The examinations must, however, satisfy the Training Officer, etc., that the candidate is able to perform proficiently in the individual areas. The examination must encompass each subject area, and a random sampling of the person's skills must include at least one-third (1/3) of the required evolutions.

- 2) Concurrent Work-Training Evaluation

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- A) Work which can be identified by the Training Officer as correlating with the training requirements can be counted as a training experience for purposes of reimbursement and certification. Records must be maintained and student evaluations conducted.
- B) The work activity does not qualify, or ceases to qualify as a learning experience when:
- The student has demonstrated the required knowledge and skill for the subject area on a previous occasion; or,
 - The student is left to perform the task without the immediate supervision of a qualified instructor.

3) Fire Suppression-Actual Firefighting

The only activity required in the area of fire suppression as a specific skill, and which is required by NFPA 1001, (1987) Firefighter Professional Qualifications, applies to all levels of firefighters and requires the firefighter to demonstrate manipulating a nozzle to attack at least two live fires, including a Class A and Class B fire. This function is not reimbursable, since it is virtually impossible to conceive of an actual fire situation (other than a practice fire) at which a Certified Instructor and a Fire Officer who are not involved in the actual fire suppression, would be independently evaluating the trainee's performance in the accomplishment of this requirement. If, however, in the opinion of the Company Officer, or other persons designated by the Fire Chief or Certified Instructor, the firefighter has satisfied this requirement during an actual fire suppression activity, it is not necessary to reconstruct another fire and require that the person again perform this activity. The qualified observers may sign the individuals training record, indicating that the trainee has satisfied this requirement. This is not an activity which is measured in terms of elapsed time of performance.

- h) State Certification Written Examination. To be certified as a Firefighter I, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.50 Certified Firefighter II

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The Illinois Firefighter II program meets or exceeds the Firefighter II level identified in NFPA 1001 (199287). The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be employed in Illinois as a fire protection person or trainee according to Chapter 85, par. 531 et seq.

b) Funding hours.

- 1) A maximum of 300 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- 2) Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required to pass the Firefighter II examination due to the date of passage of the Ordinance) qualify for reimbursement funding three years from the date of the passage of the Ordinance.
- c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor and Fire Chief or his designee sign the Request for Examination Form.

d) Instructor Requirements

- 1) This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level.
- 2) Departments lacking Instructor I's are urged to apply for the Interim Instructor credentials during the first year of involvement in the program.
- 3) Faculty teaching in the fire service program at a community college or university may be authorized to teach these programs in the college.

e) Facility Certification and Delivery Systems

- 1) The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.
- 2) See Section 140.15 for Course Approval

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f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 19287 edition, Chapter-4. This standard is incorporated by reference and includes no later standards or editions.

g) Curriculum Subject Headings for Modular courses

1) MODULE A

- A) General/Orientation
- B) Fire Behavior
- C) Portable Fire Extinguishers
- D) Tools and Equipment
- E) Self-Contained Breathing Apparatus
- F) Ladders
- G) Fire Hose, Nozzles and Appliances
- H) Personal Safety

2) MODULE B

- A) Ropes
- B) Water Supplies
- C) Fire Streams
- D) Forcible Entry
- E) Ventilation
- F) Rescue
- G) Emergency Medical Care
- H) Overhaul

3) MODULE C

- A) Communications
- B) Sprinkler Systems
- C) Salvage
- D) Fire Inspections
- E) Fire Cause and Origin
- F) Hazardous Materials

h) Depth of coverage of the subjects listed varies from each firefighter level.

i) Firefighter II can be instructed in a series of three modules. Examinations can be taken by module or by taking the complete examination.

j) When an individual takes the exam by modules, the passed modules

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will be kept on file until all three modules are passed before certification is granted.

k) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken.

l) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all three modules is required before certification will be granted.

m) State Certification Practical Skills Examination. See Section 140.40 (g).

n) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State examination. See Section 140.8.

o) After taking the Firefighter II examination, an individual shall not take the Firefighter I exam.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.55 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (19287), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) Attainment of one year of experience in airport fire protection.
- 3) Successful completion of the 80144 hour course, including the skill examination and passage of the State written examination.
- 4) A candidate for Airport Firefighter certification must be employed in Illinois as a firefighter according to Chapter 85, par. 531, et seq.

b) Funding Hours.

Approved by the State Fire Marshal

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A maximum of 80144 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.

- c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (See Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.

- d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:

- 1) File Course Approval Forms. See Section 140.15.
- 2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:

- A) A complete set of the IFSTA Training Manuals
- B) A classroom
- C) An airport firefighting vehicle.

- e) Curriculum Subject Headings.

- 1) Introduction
- 2) Aircraft Familiarization
- 3) Airport Familiarization
- 4) Personnel Safety
- 5) Firefighting Equipment
- 6) Firefighting Operations
- 7) Communications
- 8) Fire Prevention

- f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 199287 edition. This standard is incorporated by reference and includes no later standards or editions.

- g) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be

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done by independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (1987) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Firefighter Study Guide for certification of Airport Firefighter for skill requirements.

Evaluation sheets of practical exams must be submitted before certification will be awarded.

- h) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.60 Certified Firefighter III

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter III level identified in the NFPA 1001 (199287). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

a) Prerequisites.

- 1) Certification as a Firefighter II.

- 2) A candidate for Firefighter III certification must be employed in Illinois as a firefighter according to Chapter 85, par. 531 et seq.

- 3) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.

- 4) Documented learning experiences in each of the subject areas outlined in 140.60 (e) and contained in the Instructor Reference Manual.

- 5) Documented demonstration of competence in all manipulative skills contained in the Instructor Reference Manual.

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- 65) Successful completion of all subject areas of the Firefighter III examination within five calendar years from the year of Firefighter II certification. For example, if an individual obtains Firefighter II certification at any time during 1980, the individual must pass all subject areas of the Firefighter III examination by December 31, 1985. An individual who has not passed all subject areas of the Firefighter III examination within the five year cycle will lose all passing scores, and will again be required to take and pass all subject areas within a future five year cycle.
- 76) If, during the five year cycle, subject areas are added due to program changes, an individual who has not passed all areas or who has not met all prerequisites must successfully do so, including the added areas, before becoming certified.
- b) Funding Hours. Maximum funding is 600 hours. The Office will fund this level of training only one time.
- c) Instructor Requirements
- 1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.
 - 2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.
- d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:
- 1) Have access to an Unlimited Training Facility. See Section 140.12.
 - 2) File necessary Course Approval Forms. See Section 140.15.
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 19287 edition, Chapter-5. This standard is incorporated by reference and includes no later standards or editions.
- f) State Certification Practical Skill Examination. See Section 140.40 (g).

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- g) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8. Individuals possessing Emergency Medical Technician (EMT) or Paramedic certification are not required to take the Emergency Medical Care section of the Certified Firefighter III examination. Proof of current EMT or Paramedic certification is required.
- h) Refresher Training.
- 1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, ~~only 10060~~ 10060 hours of reimbursable time per year will be funded by the Office for refresher training.
 - 2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 10060 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal achievement, and maintenance of the certificate a personal commitment.
 - 3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))
- (Source: Amended at Ill. Reg. , effective , 1992)
- Section 140.65 Certified Fire Apparatus Engineer
- The Certified Fire Apparatus Engineer course is designed to meet a specialty need within the fire service. The program equals or exceeds the requirements of NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1988 edition.
- a) Prerequisites
- 1) Certification as a Firefighter II.
 - 2) A candidate for Fire Apparatus Engineer certification must be employed in Illinois as a firefighter according to Chapter 85, par. 531, et seq.

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32) Completion of the Certified Fire Apparatus Engineer course of 40 student contact hours (minimum).

43) Pass State end-of-course written and practical skill examination.

54) Possess the appropriate class of Illinois driver's license in accordance with the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 100 et seq.).

65) Application for certification which includes attestation by Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught.

b) Funding

1) A maximum of 108 hours is available for reimbursement funding. No funding is available for repeat courses.

c) Instructor Qualifications. There is no Fire Apparatus Engineer Instructor certification level. Persons planning to offer this program must:

1) Be a Certified Fire Service Instructor II, and

2) Be a Certified Fire Apparatus Engineer

3) When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.

d) Facility Certification and Delivery Systems.

1) Course Approval. See Section 140.15.

2) The course must be taught at an Unlimited Training Facility. See Section 140.12.

e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1988 edition. This standard is incorporated by reference and includes no later standard or edition.

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f) State Certification Practical Skill Examination

1) The state practical skill examinations consist of a series of evolutions covering pumper operations. Instructors should contact the Office for the practical skill package.

2) All practical skill examinations must be administered by an Instructor II, Certified Fire Apparatus Engineer and observed by two additional persons assigned by the Fire Chief.

3) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file before certification will be granted.

g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State examination. Firefighter II certification is required before the Fire Apparatus Engineer examination may be taken. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. See Section 140.8.

(Source: Amended at Ill. Reg. , effective 1992)

Section 140.70 Fire Officer I

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the four~~six~~ levels of Fire Officer identified in NFPA 1021 (19287), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

1) Certification as Firefighter III.

2) A candidate for Fire Officer I certification must be employed in Illinois as a firefighter according to Chapter 85, par. 531 et seq.

32) Attainment of three years minimum fire service experience in a fire department.

43) Successful completion of the five-identified three-semester credit (40 student-contact hour minimum) courses or equivalent according to Section 140.18 Course Approval Equivalency. A

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course taken for certification credit of 40 student contact hours (minimum) can only be used for one area of career hierarchy. Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 199287 edition, Chapter--2--and--3--hereby incorporated by reference, including no later amendments or editions. Course requirements are broken down in five-modules with--the--following--topic--headings--including the following topics:

- A) Fire Service Instructor I (certification required)
- B) Fire Prevention Principles I
- C) Strategy and Tactics I
- D) Fire Service Management I
- E) Fire Service Management II

54) Experience Requirements

A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor--Training--Officer and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.

B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certificate--of--verification attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.

b) Funding Hours. A maximum of 324270 hours is available for reimbursement funding with no more than 54 hours being allowed for any one--of the 5--courses required in 140.70(a)(3). Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as

a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding.

c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.

1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 199289 edition, chapters 2 and 3.

2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.

3) Course Approval Equivalency: See Section 140.18 Course Approval Equivalency. Documentation and proof necessary to establish course equivalency shall include but not limited to:

- A) Course titles or transcripts
- B) Syllabi and course outlines
- C) Test scores or grades
- D) College and Institute catalog course descriptions
- E) Other supporting material

d) Instructor Requirements. See Section 140.200(d) for instructor approval requirements.

e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for course approval requirements
- 2) See Section 140.16 for end-of-course examination requirements.
- 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:

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- A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
- B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.

C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA)
- ii) The Illinois Fire Inspector's Association (IFIA)
- iii) The Illinois Society of Fire Service Instructors (ISFSI)
- iv) The Illinois Firefighter's Association (IFA)
- v) The Associated Firefighters of Illinois (AFFI)
- vi) The Illinois Association of Fire Protection Districts (IAFPD)
- vii) The Illinois Professional Firefighters Association (IPFA)

4) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.

f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 199288 edition, Chapters 2 and 3. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.80 Fire Officer II

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The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the four~~si~~* levels of Fire Officer identified in NFPA 1021 (199287), hereby incorporated by reference. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70).

3) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) A candidate for Fire Officer II certification must be employed as a firefighter in Illinois according to Chapter 85, par. 531 et seq.

32) Five years minimum fire service experience in a fire department.

43) Successfully completed of the identified five 3-semester credit courses (40 student contact hours minimum), or equivalent according to Section 140.18 Course Approval Equivalency (40 student contact hours minimum). A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 199287 edition, Chapter 4 and 5, hereby incorporated by reference and includes no later editions or amendments. Course requirements are broken down in five modules including the following topics with the following topic headings:

- A) Fire Service Instructor II (certification required)
- B) Fire Prevention Principles II
- C) Strategy and Tactics II
- D) Fire Service Management III
- E) Fire Service Management IV

54) Experience Requirements,

- A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The

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Certified Instructor Training Officer and Fire Chief must document the experience as a Fire Officer II or Fire Officer II trainee.

B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate letter of verification attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.

C) An individual must be certified Fire Officer I to receive a Provisional Fire Officer II. An individual possessing a letter of provisional qualification as a Fire Officer I may take Fire Officer II courses and receive a letter of provisional qualification as a Fire Officer II.

b) Funding Hours. A maximum of 324270 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 54 hours being allowed for any one each of the 9 courses required in 140.80(a)(3). Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II courses to qualify for reimbursement funding.

c) Equivalent courses. See Section 140.70 (c).

d) Instructor Requirements. See Section 140.70 (d).

e) Facility Certification and Delivery Systems. See Section 140.70 (e).

f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 199287 edition, Chapters 4 and 5. This standard is incorporated by reference and includes no later standard or edition.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.90 Fire Officer III

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (198792), hereby incorporated by reference. the

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Office identifies the Fire Officer III as those persons having the responsibilities of the head of administration of a department or allied field agency. The individual directs the activities and is in command of a fire department or allied field agency. The term synonymous with Fire Officer III is Fire Department Administrator. (See Section 140.70) The Office identifies the Fire Officer III as those persons currently performing and or responsible for the duties of an administration officer set forth herein as established by the Office. These rules will be reviewed as needed to meet NFPA and other pertinent State and Federal requirements.

a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained sixteen years minimum fire service experience in a fire department.
- 3) Successful completion of the required courses as identified in the Instructor Reference Manual for Fire Officer III published by the Office of the State Fire Marshal or equivalent as established by Section 140.18 Course Approval Equivalency, including the following topics:

A) Introduction

B) Communications

C) Government Structures and The Political Arena

D) Fire Department Operations and Administration

E) Human Resource Administration

F) Resources Planning and Administration

G) Public Fiscal Planning and Administration

Successful completion of the six identified three semester credit courses (40 student contact hour minimum) of equivalent individuals must have the following required courses or equivalent courses:

A) Group Structures and Meetings in the fire service (or provide proof of equivalent course)

B) Public Communications (or provide proof of equivalent course)

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- C) Managerial-Development--(or--provide--proof--of--equivalent course)--
- D) Personal-and-Personnel-Management--(or--provide--proof--of equivalent-course)--
- E) Approaches-to-Finance-and-Data-Based-Systems--(or--provide proof-of-equivalent-course)--
- F) Disaster-Planning-and-Political-Consideration--(or--provide proof-of-equivalent-course--proof-will-consist-of--a course-syllabus-or-course-description)--

4) Experience Requirements.

- A) The-candidate-for-Fire-Officer-III-certification-must-have served-two-years-as-a-Fire-Officer-III-or-a-Fire-Officer-III-trainee--the-Office--defines-a-Fire-Officer-III trainee--as--a-person--possessing--fire--Officer-II certification--and--who-is-assigned-duties-as-head-of-a department--An individual must be employed in a fire department in the State of Illinois according to Chapter 85, par. 531, et seq. The applicant must have current administrative duties to be certified. Individuals applying with prior out of state experience shall be evaluated individually.

- B) Documentation of work experience as a Fire Officer III shall consist of:

- 1) completed work experience examples meeting objectives documented on checklist developed and distributed by the Office
- 2) official job description;
- 3) an official, legible, definitive department organization chart, on fire department letterhead, signed by Fire Chief, letter--from--supervisor--of experience--relating-to-the-courses-required--

- C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a letter--of verification--certificate attesting to his "provisional qualification" as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given

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after completion of all formal courses.

- D) A-person-possessing-a-letter-of-provisional-qualification-as-a-Fire-Officer-II-may-take-Fire-Officer-III-courses-and receive-a-letter-of-qualification-as-a-Fire-Officer-III-A person possessing a certificate as a Fire Officer II provisional may take Fire Officer III courses and receive funding for Fire Officer III courses. However, an individual must be certified as a Fire Officer II to receive a provisional Fire Officer III.
- b) Funding hours. A maximum of 400324 hours is available for reimbursement funding with no more than 54 hours being allowed for any oneeach of the 6 courses required in 140.90(a)(3). Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.
- c) Equivalent courses. See Section 140.70(c).
- d) Instructor Requirements. See Section 140.70(d).
- e) Facility Certification and Delivery Systems. See Section 140.70(e).
- f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021 (1992), Chapters-5--and--6--and in the Office of the State Fire Marshal's Instructor Reference Manual for Fire Officer III. This standard is incorporated by reference and includes no later editions or amendments.
- g) Refresher training of up to 120 hours may be funded annually. Funding documentation must be proof of completed class, course or seminar that meets the objectives of NFPA 1021, (1992), or adopted Division of Personnel Standards and Education course outline. Funding will not be available for repeat courses.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.130 Fire Service Instructor I

Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041 (199287), Chapter 23, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic

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program; an Instructor in the fire department who is authorized to teach courses in the Firefighter I and II programs for state certification and to validate training records for these levels. A fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material.

- a) Prerequisites. Fire Service Instructor I is granted to those individuals who have met the following qualifications:
 - 1) Certification as a Firefighter II.
 - 2) Attainment of three years of documented cumulative fire service experience in a fire department;
 - 3) Successful completion of a course with a minimum of 40 hours in instructional techniques equivalent to NFPA 1041 (1992#7), Chapter 23, or ~~equivalent~~ State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor I-and-II, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.
- b) Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II to qualify for reimbursement funding.
- c) Instructor Requirements.
 - 1) Course must be taught under auspices of an Instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The Instructor qualifications are flexible in that no specific discipline is required of the person employed to teach the Instructor course.
 - 2) It is strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office as an educator qualified to teach others how to teach.
 - d) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to receive facility certification. Such certification requires:

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- 1) See Section 140.15 for course approval requirements.
- 2) See Section 140.16 for end-of-course written examination requirements.
- 3) A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office. This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All evaluators will utilize a checklist, approved by the Office, to independently evaluate the candidates performance.
- 4) Fire Service Instructor courses will be delivered under the auspices of approved institutions identified as follows:
 - A) All Fire Service Instructor I, II and III courses may be delivered by any accredited college or university in Illinois.
 - B) All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
 - C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:
 - i) The Illinois Fire Chief's Association (IFCA)
 - ii) The Illinois Fire Inspector's Association (IFIA)
 - iii) The Illinois Society of Fire Service Instructors (ISFSI)
 - iv) The Illinois Firefighter's Association (IFA)
 - v) The Associated Firefighters of Illinois (AFFI)
 - vi) The Illinois Association of Fire Protection Districts (IAFPD)
 - vii) The Illinois Professional Firefighter's Association (IPFA)
 - 5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (See Section 140.25).

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- e) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 23. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.140 Fire Service Instructor II

Professional qualifications for Fire Service Instructor II are identified in the NFPA 1041, (199287), Chapter 34, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor II as a fire service instructor who, in addition to meeting Instructor I qualifications, has demonstrated the knowledge and ability to coordinate other instructors and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis. Certified individuals serving as an instructor in a fire department or allied field of agency with curricula, course and lesson plan development responsibilities. Instructor II's are authorized to teach all subjects of the Firefighter I, II, and III courses and to validate training records for these levels of training.

- a) Prerequisites. Fire Service Instructor II certification is granted to those individuals who have:

- 1) Certification as a Firefighter III.
- 2) Certification as a Fire Service Instructor I.
- 3) Attained five years of documented fire service experience in a fire department.
- 4) Successfully completed a course with a minimum of 40 hours in methods and techniques of teaching equivalent to NFPA 1041 (199287), Chapter 34, hereby incorporated by reference, including no later editions or amendments. A State Teacher's Certificat-on-Board--State-of-Illinois-Teacher's-Certification will-be-accepted-only-for-certification-for-Fire-Service Instructor-I-and-II-if-all-other-certification-requirements are met--Copy-of-Teacher's-Certification-must-be-submitted-with application-for-certification

- b) Funding hours. A maximum of 5448 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor I prior to starting this course to qualify for reimbursement funding.

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- c) Instructor Requirements. See Section 140.130(c).
- d) Facility Certification and Delivery Systems. See Section 140.130(d).
- e) Curriculum Subject Headings. The general course content is identified in NFPA 1041 (1992), Chapter 34. In addition to meeting the qualifications of Instructor I, the objectives of the course are designed to prepare the candidate in the ability to demonstrate knowledge and skills in preparing Instructional Materials, Techniques of Testing and Evaluations and writing Behavioral Objectives or Performance Objectives.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.150 Fire Service Instructor III

Professional qualifications for Fire Service Instructor III are in the NFPA 1041 (199287), Chapter 45, hereby incorporated by reference and including no later editions or amendments. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor III as a certified individual serving in a fire department or allied field or agency assigned supervisory/administrative duties with some instructional responsibilities; responsible for the development of courses and the selection and development of appropriate instructional materials, and to supervise instructors and support staff. Management/Administrative duties with some instructional duties--responsible for a major division of a training program. The term Technical Manager is synonymous with Fire Service Instructor III.

- a) Prerequisites. Fire Service Instructor III certification is granted to those individuals who:

- 1) Have certification as a Fire Service Instructor II.
- 2) Have served a minimum of three years in the capacity of a fire service instructor or training officer.
- 3) Successful completion of 80 hours of courses equivalent to NFPA 1041 (199287), Chapter 45.
- b) Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor II prior to starting this course to qualify for reimbursement funding.

- c) Instructor Requirements. See Section 140.130(c).

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- d) Facility Certification and Delivery System. See Section 140.130(d).
 e) Curriculum Subject Headings. The general course content is identified in NFPA 1041, (199287), Chapter 45.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.160 Fire Service Instructor IV

Professional qualifications for Fire Service Instructor IV are in the NFPA 1041 (199287), Chapter 56, hereby incorporated by reference and including no later editions or amendments. The Office defines the Instructor IV who, in addition to meeting Instructor III qualifications, has demonstrated the knowledge and ability to administer and manage a fire service training program including budget preparation, personnel management, maintenance of positive public relations, and organizational goal setting. ~~as a certified person serving as an instructor in a fire department or allied field agency primarily assigned administrative and/or management responsibilities for fire service training. Division Administrator is the term synonymous with fire instructor IV.~~

- a) Prerequisites. Instructor IV certification will be granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Service Instructor III.
- 2) Have served a minimum of five years in the capacity of a fire service instructor or training officer.

- 3) Successful completion of the course (40 student contact hours minimum) or equivalent successful completion of five three semester courses (40 student contact hours minimum) of equivalent individuals must have the following required courses or equivalent courses:

- A) Management I (or provide proof of equivalent course)
- B) Management II (or provide proof of equivalent course)
- C) Management III (or provide proof of equivalent course)
- D) Management IV (or provide proof of equivalent course)
- E) A course in educational administration or approaches to finance and data-based systems, Fire Officer III, Module V.

- b) Funding hours. A maximum of 54270 hours is available for reimbursement funding. The Office will fund this level of education

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only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor III prior to starting this course to qualify for reimbursement funding. ~~with no more than 54 hours being allowed for each of the 5 required courses in 140.160(a)(3).~~

- c) Equivalent courses. See Section 140.70(c).
- d) Instructor Requirements. See Section 140.70(d).
- e) Facility Certification and Delivery System. See Section 140.70(e).
- f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.171 Fire Prevention Officer I

Professional qualifications for Fire Prevention Officer I, except Firefighter qualifications, are identified in the NFPA 1031, 1033, 1035, (1987), hereby incorporated by reference, including no later amendments or editions. The Office defines the Fire Prevention Officer I as a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions, conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer I is Technical Specialist.

- a) Prerequisites. Fire Prevention Officer I certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Firefighter III or successfully completing the Firefighter Bypass examination. Entrance into this program through the Bypass examination is limited to:

- A) Office personnel
- B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
- 2) Attainment of three years cumulative fire service experience which must include one year of experience in fire prevention.
- 3) Successful completion of the Office approved Fire Prevention Officer I course or provide proof of equivalent courses.

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- 4) Successful completion of the State Fire Prevention Officer I examination. Prerequisite for taking state written examination is Firefighter III certification or successful completion of the Bypass examination.
- b) Funding Hours. A maximum of 300249 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed the Firefighter Bypass examination to qualify for reimbursement funding.
- c) Equivalent courses.
- 1) See Section 140.18 Course Approval Equivalency
- 2) See Section 140.70(c) for requirements.
- 3) Equivalent course must meet the performance objectives in NFPA 1031, 1033, and 1035.
- 4) When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer I program prior to taking the State written examination a second time.
- 5) Equivalent courses are not eligible for reimbursement.
- d) Instruction Requirements. The Fire Prevention Officer I program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.
- e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer I program will be required to receive facility certification. Such certification requires:
- 1) See Section 140.15 for Course Approval requirements.
 - 2) See Section 140.8 for State written examination requirements.
 - 3) See Section 140.16 for End-of-Course examination requirements.

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- 4) All courses will be delivered under the auspices of approved institutions identified as follows:
- A) Fire Prevention Officer I, Fire Prevention Education Officer II, and Fire Prevention Inspector II courses may be delivered by any accredited college or university in Illinois.
- B) Fire Prevention Education Officer III and Fire Prevention Inspector III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
- C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:
- i) The Illinois Fire Chief's Association (IFCA)
 - ii) The Illinois Fire Inspector's Association (IFIA)
 - iii) The Illinois Society of Fire Service Instructors (ISFSI)
 - iv) The Illinois Firefighter's Association (IFA)
 - v) The Associated Firefighters of Illinois (AFFI)
 - vi) The Illinois Association of Fire Protection Districts (IAFPD)
 - vii) The Illinois Professional Firefighters Association (IPFA)
- 5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.
- f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1987), NFPA 1033 Professional Qualifications for Fire Investigator (1987), and NFPA 1035 Professional Qualifications for Public Fire Educator (1987).
- g) State Certification Written Examination. To be certified as a Fire Prevention Officer I, candidates must take and pass the State examination. See Section 140.8.

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(Source: Amended at Ill. , effective , 1992)

Section 140.180 Fire Prevention Education Officer II

Professional qualifications for Fire Prevention Education Officer II are identified in the NFPA 1035 (1987), hereby incorporated by reference. The Office defines the Fire Prevention Education Officer II as an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

a) Prerequisites. Fire Prevention Education Officer II certification is granted to those individuals who have achieved the following:

- 1) Certification as a Fire Prevention Officer I.
- 2) Attainment of three years of documented fire prevention experience.
- 3) Successful completion of course or courses meeting the objectives in NFPA 1035, (1987), Chapter 4. This standard is incorporated by reference and includes no later editions or amendments.
- b) Funding Hours. A maximum of 270 hours is available for reimbursement funding with no more than 54 hours for each of the 5 courses required in 140.180 (a)(3). The Office will fund this level of education only one time. Candidates must be certified as a Fire Prevention Officer I to qualify for reimbursement funding.

c) Equivalent courses. See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements.

d) Instructor Requirements. See Section 140.171(d).

e) Facility Certification and Delivery Systems. See Section 140.171(e).

f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire Educator (1987), Chapter 4.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.185 Fire Prevention Education Officer III

Professional qualifications for Fire Prevention Education Officer III are identified in NFPA 1035 (1987), Chapter 5, hereby incorporated by reference.

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The Office defines the Fire Prevention Education Officer III as a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

a) Prerequisites. Fire Prevention Education Officer III certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Prevention Education Officer II.
- 2) Attainment of five years of documented fire prevention experience with two years in fire education.
- 3) Successful completion of the ~~six~~ management courses required for Fire Officer III certification or provide proof of equivalent courses. See Section 140.90(a)(3) and Section 140.18 Course Approval Equivalency.

b) Funding Hours. A maximum of 400324 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Education Officer II prior to taking these courses to qualify for reimbursement funding, with no more than 54 hours being allowed for any one each of the 6 required courses in Section 140.185(a)(3).

c) Equivalent Courses. See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements.

d) Instructor Requirements. See Section 140.171(d).

e) Facility Certification and Delivery Systems. See Section 140.171(e).

f) Curriculum Subject Headings. See Section 140.90(f).

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.220 Fire Prevention Inspector III

Professional qualifications for Fire Prevention Inspector III are identified in the NFPA 1031 (1987), Chapter 5, hereby incorporated by reference. The Office defines the Fire Prevention Inspector III as a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention bureau.

a) Prerequisites. Fire Prevention Inspector III certification is granted to those individuals who have met the following qualifications:

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- 1) Certification as a Fire Prevention Inspector II.
- 2) Attainment of five years of documented experience in fire inspection.
- 3) Successful completion of the ~~six--management~~ courses required for Fire Officer III or provide proof of equivalent courses. See Section 140.90 (a)(3) and Section 140.18 Course Approval Equivalency.
- b) Funding Hours. A maximum of ~~400~~324 hours is available for reimbursement funding with no more than 54 hours allowed for any one each of the 6 courses in 140.90 (a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Inspector II to qualify for reimbursement funding.
- c) Equivalent Courses. See Section 140.70 (c) for requirements.
- d) Instructor Requirements. See Section 140.171 (d).
- e) Facility Certification and Delivery Systems. See Section 140.171 (e).
- f) Curriculum Subject Headings. See Section 140.90 (f).

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.230 Hazardous Materials First Responder

- a) First responders, for the purpose of this level of certification, are fire personnel trained to the levels of "First Responder Awareness" and "First Responder Operations" as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.
- b) Fire protection personnel at this level of certification are both:
 - 1) Persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, state, federal, or private resources) of the release and,

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- 2) Persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
- c) Professional qualifications for First Responder are identified in NFPA 472, (199289) Standard for Professional Competence of Responders to Hazardous Materials Incidents, ~~Chapter--2~~---hereby incorporated by reference and containing no later standard or reference.
- d) Hazardous Materials First Responder is designed as the introductory step in the acquisition of all knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.
 - 1) Prerequisites - First Responder Certification is granted to those persons who have met the following qualifications.
 - A) Certification as a Firefighter II
 - B) A candidate must be employed as a firefighter in Illinois according to Chapter 85, par. 531, et seq.
 - CB) Successful completion of a course consisting of First Responder Awareness and First Responder Operational, including passage of local testing including practical and State written examination.
 - DC) Prerequisite for taking the state written exam is Firefighter II certification.
 - 2) Funding. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of training only one time.
 - 3) Instructor Requirements:
 - Certified Fire Service Instructor I and Certified First Responder Hazardous Materials I. Successful completion of required courses for First Responder is prerequisite.

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- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder program will be required to:

- A) File Course Approval forms, See Section 140.15.
- B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives

- 5) Course description. The course is described as a specialized course to provide those persons, whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (199289) Chapter-2, hereby incorporated by reference and including no later standards or amendments. Equivalent courses must meet Section 140.18 Course Approval Equivalency.

- 6) State Certification Written Examination. To be Certified as a First Responder, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written and practical exams and pass the State written examination. See Section 140.8.

- 7) State Certification Practical Skill Examination

- A) The state practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder. The Instructor should contact the Office for this practical skill examination.

- B) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted. ~~Written scores will not be released by the Office until practical scores are received.~~

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.23240 Hazardous Materials Technician

- a) Hazardous Materials Technician is designed for the training and

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development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.

- b) Technicians shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990), or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

- c) Professional qualifications for Technician are identified in NFPA 472 (199289) Standard for Professional Competence of Responders to Hazardous Materials Incidents, ~~Chapter-3, hereby incorporated by reference and containing no later editions standards or amendments reference.~~

- 1) Prerequisites - Hazardous Materials Technician is granted to those persons who have met the following qualifications.

- A) Certification as a Hazardous Materials First Responder;

- B) ~~A candidate must be employed as a firefighter in Illinois according to Chapter 85, par. 531, et seq.~~

- CB) Successful completion of the Hazardous Material Technician course; and

- DE) Be a Certified Firefighter III. A Certified Firefighter II may take the Hazardous Materials Technician training as part of the 600 hour Firefighter III program; however, Hazardous Materials Technician certification will not be awarded until the individual has achieved Firefighter III certification.

- ED) The individual must be certified Firefighter III and certified First Responder to take exam.

- 2) Funding

- A) A maximum of 54 hours is available for reimbursement funding for Hazardous Materials Technician. The Office will fund this level of training only one time. If not a Firefighter III, hours may be used for Firefighter III.

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B) Hours accumulated toward Hazardous Materials Technician certification while a person is a Firefighter II will be subtracted from the 600 hours available for Firefighter III reimbursement funding.

3) Instructor Requirements

Certified Fire Service Instructor II and Certified Hazardous Materials Technician.

4) Facility Certification and delivery systems. Educational Institutions and fire departments desiring to offer the Hazardous Materials Technician program will be required to:

A) File Course Approval forms, See Section 140.15

B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives

5) Course description. Hazardous Materials Technician provides a learning experience of chemicals and the hazards associated with them and provide an in-depth instruction in how to safely control and mitigate a hazardous materials incident. The course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents. (192289)-Chapter-2, hereby incorporated by reference and including no later editions or amendments.

d) State Certification Practical Skill Examination

1) The state practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.

2) Instructors should contact the Office for this practical skill examination.

3) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.

4) After the Practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.

e) State Certification Written Examination. To be Certified as a Hazardous Materials Technician, candidates must take and pass the

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State written examination. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. See Section 140.8. Prerequisite for taking the state examination is certification as Hazardous Materials First Responder.

(Source: Renumbered from 140.240 and amended at Ill. Reg. effective , 1992)

Section-140-250--Hazardous Materials-Specialist (Repealed)

a) Hazardous Materials-Specialist-is-designed-for-the-response-team members-in-order-to-give-these-persons-a-much-broader-understanding of-Hazardous-Chemicals-and-the-hazards-associated-with-them.

b) Specialists-shall-be-trained-to-meet-requirements-of-the-United States-Department-of-Labor-Occupational-Safety-and-Health Administration-(OSHA)-29-CFR-1910.120-(1990)-or-the-United States Environmental-Protection-Agency-(EPA)-40-CFR-311-(1990)-whichever-is-appropriate-for-their-jurisdiction-This-program-is-designed-to meet-the-requirements-of-29-CFR-1910.120.

c) Professional-qualifications-for-Specialists-are-identified-in-NFPA 472-(1999)-Standard-for-Professional-Competence-of-Responders-to Hazardous-Materials-Incidents-Chapter-2, hereby-incorporated-by reference-and-containing-no-later-standard-or-reference.

1) Prerequisites--Hazardous-Materials-Specialist-is-granted-to these-persons-who-have-met-the-following-qualifications:

A) Certification-as-a-Hazardous-Materials-Technician

B) Successful-completion-of-Hazardous-Materials-Specialist course

2) Funding--A-maximum-of-54-hours-is-available-for-reimbursement funding--The-Office-will-fund-this-level-of-training-only-one time--The-candidate-must-be-certified-as-Hazardous-Materials Technician-prior-to-taking-this-course-to-claim-for reimbursement-funding.

3) Instructor-Requirements

Certified-Fire-Service-Instructor-II-and-Certified-Hazardous Materials-Specialist.

d) Facility--Certification-and-delivery-systems--Local-Fire Departments, Fire-Service-Institute-and-Community-Colleges-desiring to-offer-the-Hazardous-Materials-Specialist-program-will-be-required to-

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- 1) File Course Approval forms, See Section 140.15
- 2) Use an unlimited training facility (Section 140.12).
- 3) Maintain records and established procedures, See Section 140.12

a) Course description, Hazardous Materials Specialist provides a broad understanding of hazardous chemicals and the hazards associated with them. The course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1989), Chapter 3, hereby incorporated by reference and including no later editions or amendments.

b) State Certification--Written--Examination---To be Certified as a Hazardous Materials Specialist, candidates must take and pass the State written examination. See Section 140.8. The prerequisite for taking the state examination is certification as Hazardous Materials Technician.

(Source: Repealed at Ill. Reg. , effective)

Section 140.23460 Chemistry of Hazardous Materials

- a) Chemistry of Hazardous Materials is a course designed to give first responders a broader understanding of the chemistry and toxicology of hazardous materials.
- b) Professional qualifications for the course are identified in NFPA 472 (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapters 3 and 4, hereby incorporated by reference and containing no later standard or reference.

1) Funding. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of training only one time. The individual must be a certified Hazardous Materials First Responder prior to taking this course to claim for reimbursement funding and must successfully complete this course.

2) Instructor requirements (must have two instructors)

Option one: two National Fire Academy Instructors
Option two: One individual who is Fire Service Instructor II, and certified Hazardous Materials Specialist AND one expert in Chemistry (a college level chemistry instructor or a person with a minimum of a bachelor's degree)

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(Source: Renumbered from 140.260 and amended at Ill. Reg. effective , 1992)

Section 140.23590 Hazardous Materials Refresher Training

- a) Annual refresher training shall comply with United States Department of Labor, Occupational Safety and Health Administration, 29 CFR Part 1910.120.
- b) Because of the uniqueness of this type of training, refresher training in hazardous materials will be funded for specific training meeting any of the objectives in NFPA 472, (199289) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and including no later standard or edition or the objectives listed in the certification course for First Responder, Technician, Specialist or the Chemistry course.

c) Funding

- 1) Prerequisites - Hazardous Materials First Responder certification
- 2) Funding - a maximum of 40 hours is available for reimbursement funding annually.
- 3) Funding claimed for Hazardous Materials refresher training cannot be claimed for any other certification.
- 4) Records required by 29 CFR 1910.120, and Sections 140.12 and 140.325 of this Part must be maintained and established procedures followed.

(Source: Renumbered from 140.290 and amended at Ill. Reg. effective , 1992)

Section 140.240 Rescue Specialist-Roadway Extrication

a) Extrication Specialists, for the purpose of this level of certification, are firefighters trained to the level specified in the Division of Personnel Standards and Education Instructor Reference Manual (1992) hereby incorporated by reference.

b) Persons who respond to incidents that require the specialty training for rescue specialist will be trained in the basic skills to perform this operation. This course is designed as the introductory step in the acquisition of all knowledge and skills required in the various specialties of extrication. Rescue Specialist-Roadway Extrication certification is required before proceeding to other specialties of extrication.

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c) Prerequisites - Rescue Specialist-Roadway Extrication certification is granted to those persons who have completed a minimum 40 student contact hour course and met the following qualification:

- 1) Certification as a Firefighter II
- 2) Successful completion of the course including passage of local testing, and including State written and practical examinations.
- 3) Prerequisite for taking the written exam is Firefighter II certification.
- d) Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- e) Instructor Requirements

Certified Fire Service Instructor II and Certified Rescue Specialist-Roadway Extrication. Successful completion of required courses for Rescue Specialist-Roadway Extrication is prerequisite.

f) Facility certification and delivery system.

Educational institutions and fire departments desiring to offer the Rescue Specialist-Roadway Extrication program will be required to:

- 1) File Course Approval forms. See Section 140.15
- 2) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives. The equipment is listed in the Office Instructor Reference Manual for Rescue Specialist-Roadway Extrication.

g) State Certification Written Examination

To be certified as an Rescue Specialist-Roadway Extrication, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written examination. See Section 140.8.

h) State Certification Practical Skill Examination

- 1) The state practical skill examination consists of a series of evolutions contained in a document published by the Division of Personnel Standards and Education, entitled Practical Skill Examination for Rescue Specialist-Roadway Extrication. The Certified Instructor should contact the Office for this practical examination.

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2) After the practical examination is completed and scored by the Certified Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Written scores will not be released by the Office until practical scores are received.

i) Equivalent Courses

- 1) See Section 140.70(c) for requirements.
- 2) An equivalent course must meet the performance objectives listed in Office Instructor Reference Manual.

3) When course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time.

Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Extrication Specialist program prior to taking the State written and practical exam a second time.

4) Equivalent course are not eligible for reimbursement.

j) An individual with an Emergency Rescue Technician Certificate issued by the Illinois Department of Transportation shall be allowed to take the State Written and Practical Examination one time without taking the course, if the individual:

- 1) Is a current employee of a fire department as fire protection personnel.
- 2) Is certified at the Firefighter II level, or above.
- 3) Completes a refresher course on the subject areas that were not covered in the earlier course.
- 4) The individual must take the entire course if the exam is not passed on the first attempt, and
- 5) No reimbursement funding is available for the refresher course or examination.

(Source: Added at Ill. Reg. , effective 1992)

Section 140.305 Prerequisites for Participation for Reimbursement Funding

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- a) Local governmental agencies electing to participate for reimbursement funding under paragraphs 539 and 540 of the Act, shall so provide by local ordinance. A sample ordinance may be obtained from the office. To apply for reimbursement funding the local governmental agency must also agree to abide by all rules and regulations for the training of firefighter.
- b) Individuals who are employed by local governmental agencies as a firefighter meeting Chapter 85, par. 531 et seq. which have elected to participate for reimbursement funding, and where the individual and the local government agency have abided by all the rules and regulations as promulgated by the Office, may submit claims for reimbursement funding for expenses incurred by them during the training period. Reimbursement for individuals is limited to tuition, travel expenses and room and board. Reimbursable expenses are subject to the requirements and limitations covered in this Part and Travel Regulations as promulgated by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- c) Payments to individuals, units of local government, and governmental agencies are limited to reimbursement.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.310 Requirements

- a) The Office defines the minimum basic requirement to be completed by a recruit or trainee prior to becoming a permanent member of the fire department to be the Certified Firefighter II level. All local governmental agencies electing to participate for reimbursement funding must have firefighter trainees certified at the Firefighter II level by the end of their probationary period. The probationary period will be determined by the local governmental agency. The failure of any trainee to complete Firefighter II certification within the required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his probationary period ends. The individual may later become certified without reimbursement.

- b) Proof of employment as a firefighter must be exhibited by the fire department on request by Office.

- 1) If non-compliance to this requirement is discovered before testing, the Office will not administer the exam.
- 2) If an exam is taken by an individual and non-compliance is discovered, the exam will not be graded.

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- 3) If inaccuracy of employment status is discovered, proof of employment appointment from the appropriate appointing authority for each person to be examined must be sent to the Office prior to any exam being administered for the department, for two years from the date of discovery.

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.390 Advisory Committees

- a) The Office shall establish standing committees and, from time to time, ad hoc committees to advise the Office on training programs.
- 1) Ad hoc committees shall be made up of members of each of the organizations which have ex-officio members on the Illinois Fire Advisory Commission, (as provided in Ill. Rev. Stat. 1983, ch. 127 1/2, par. 3) and the Illinois Community College Board.
- A) Each organization shall have at least one member.
- B) The chairman, President or head of each of the identified organizations listed under subsection (1) shall be contacted as to whom he or she desires to have serve on any given committee. In the case of the Illinois Fire Service Institute it will be the Director who will be solicited for persons to serve.
- i) Because each committee will deal with specific areas of expertise, the solicitation will be based on specific qualifications. Committee members shall also be solicited from various geographical areas of the state when possible, to insure input reflecting a general consensus of the total fire service.
- ii) In considering member appointments to committees, the Division will not rely on an individual's rank in a given department, but will concentrate on that individual's area of responsibility and his or her level of certification.
- C) Committees shall not exceed ~~25~~5 members, excluding employees of the State of Illinois.
- D) Committees shall be established by the Deputy State Fire Marshal of the Division of Personnel Standards & Education when a problem or issue arises in an area of firefighter training not covered by a standing committee, or when

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creation of a new program is under consideration. Each committee shall be designated a specific duty and area of responsibility;

- 2) The following standing committees are hereby created.
 - A) Fire Officers Committee - review applications and programs for Fire Officer certification;
 - B) Technical Review Committee - review curriculum and proposals for new programs and evaluate existing ones;
 - C) Hazardous Materials Committee - develop and evaluate Hazardous Materials training program;
 - D) Item Review Committee - develop and evaluate exams for all levels of firefighter (I, II and III);
 - E) Instructors Committee - establish criteria and curriculum for all levels of Instructors;
 - F) Fire Prevention and Investigation Committee - develop curriculum for these areas of certification;
 - G) Airport Firefighter Committee - develop curriculum for Airport Firefighters;
 - H) Fire Apparatus Engineer Committee - develop curriculum and study guide for this field;

(I) Rescue Specialist - develop curriculum for Rescue Specialist training program.

- b) Committees shall advise the Deputy State Fire Marshal of Personnel Standards & Education on programs, procedures, courses, and other matters relating to the Illinois Fire Protection Training Act within the duties and areas designated. The committees are advisory only, and advice will be:

- 1) Subject to review and analysis by personnel of the Office prior to decision making.
- 2) The committees and their individual members shall not have the authority to bind the Office or make determinations that would confer a benefit or impose a duty upon the Office, the State of Illinois, any employee thereof, nor upon any other person or governmental body.

OFFICE OF THE STATE FIRE MARSHAL

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- 3) Committees shall meet only at the direction of Deputy State Fire Marshal, Personnel Standards & Education.
- c) Committee members shall be deemed independent contractors and shall not be paid for their services, but shall be reimbursed for their travel in the amount allowed by the Governor's Travel Control Board, 80 Ill. Adm. Code 2800.

(Source: Amended Ill. Reg. , effective , 1992)

Section 140.400 Invalidation of a Student's State Examination Score

- a) When the examination proctor observes an individual looking at unauthorized notes or reference materials, obviously looking directly at another person's answer sheet or talking during the examination, the proctor shall immediately confiscate and invalidate the individual's examination.
- 1) The proctor shall also confiscate any unauthorized notes or reference materials.
- 2) The proctor shall submit a written explanation of the facts involved in the invalidation of the student's examination with any confiscated materials to the Director of the Division of Personnel Standards and Education.

- b) Confiscated materials will be retained by the Office.

- c) When the Office determines that evidence involved in the invalidation of an individual's state examination is accurate, then:

- 1) the individual will not be permitted to take another state examination for 120 days.
- 2) the Office shall inform the individual's Chief of the invalidation.

- d) Any individual whose examination paper is confiscated under Section 400 (a), above, may request a hearing within 20 days of the event. Such hearings will be governed by the Appeal Process (see 41 Ill. Adm. Code 140.420). ~~these parts of the Illinois Administration Procedure Act applicable to contested cases.~~

(Source: Amended at Ill. Reg. , effective , 1992)

Section 140.420 Appeal Process

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The appeal process for the Division will be in accordance with 41 Illinois Administrative Code, 210, incorporated by reference.

(Source: Added at Ill. Reg. , effective 1992)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Standards for Posting Security for Medical Malpractice Actions

2) Code Citation: 50 Ill. Adm. Code 933

3) Section Numbers: Proposed Action:

933.10 New Section

933.20 New Section

933.30 New Section

933.40 New Section

4) Statutory Authority: Implementing and authorized by Section 2-1719 of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1719) and Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013)

5) A Complete Description of the Subjects and Issues Involved: Section 2-1719 of the Code of Civil Procedure requires the Director to establish standards for posting security for medical malpractice actions.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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Tim Cena
Department of Insurance
State of Illinois Center
100 West Randolph 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rule will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 933
STANDARDS FOR POSTING SECURITY FOR MEDICAL
MALPRACTICE ACTIONS

Section	Purpose
933.10	Authorized Insurers
933.20	Posting of Security
933.30	Rate of Discount
933.40	

AUTHORITY: Implementing and authorized by Section 2-1719 of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1719) and Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 933.10 Purpose

The purpose of this Part is to implement the Healing Art Malpractice Act (Ill. Rev. Stat. 1991, ch. 110, par. 2-1701, et seq.) ("The Act") which, in part, provides for the posting and maintenance of security to be provided by a qualified insurer when a court enters a judgement for periodic installments in a medical malpractice action. This Part sets forth standards for determining which insurers are financially qualified to provide the security required under Section 2-1711 of the Act (Ill. Rev. Stat. 1991, ch. 110, par. 2-1711). This part further requires liability insurers to post security on behalf of a judgement debtor under certain circumstances as prescribed in Section 2-1711 of the Act.

Section 933.20 Authorized Insurers

Any insurer licensed to transact the types of business enumerated in Class 1, clause (a) or Class 2, clause (c) or (g) of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 616) shall be a "qualified insurer" for purposes of providing security required pursuant to Section 2-1711 of the Act (Ill. Rev. Stat. 1991, ch. 110, par. 2-1711).

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Section 933.30 Posting of Security

If a judgement debtor fails to post security as required by Section 2-1711(a) of the Act, then any liability insurer having a contractual obligation to pay all or part of a judgement on behalf of that judgment debtor shall be obligated to post security to the extent of its contractual obligation. The form of such security shall be as prescribed in Section 2-1710 of the Act.

Section 933.40 Rate of Discount

The percentage rate of discount per annum as required by Section 2-1719 of the Act shall be that percentage rate determined by the trier of fact pursuant to Section 2-1709 of the Act. If no percentage rate of discount per annum is determined by the trier of fact then the percentage discount per annum shall be 6%.

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1) Heading of the Part: Grants

2) Code Citation: 59 Ill. Adm. Code 103

3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
103.10	Amended
103.11	New Section
103.15	New Section
103.20	Amended
103.25	New Section
103.30	New Section
103.40	Repealed
103.50	Repealed
103.60	New Section
103.65	Repealed
103.70	Amended
103.80	Amended
103.90	Amended
103.95	New Section
103.100	Amended
103.110	Amended
103.120	Amended
103.130	Amended
103.140	Repealed
103.150	Amended
103.160	Amended
103.165	New Section
103.170	Amended
103.180	Amended
103.190	Amended
103.200	Repealed
103.210	New Section

4) Statutory Authority: Implementing Sections 15, 34 and 34.1 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91½, pars. 100-15, 100-34 and 100-34.1) and the Community Services Act (Ill. Rev. Stat. 1991, ch. 91½, pars. 901 et seq.) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91½, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91½, par. 100-5).

5) A Complete Description of the Subjects and Issues Involved: Part 103 is the Department's rule for community-based grant-funded programming. Revision of this Rule began in March, 1991 and has included extensive discussion with community provider agencies.

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Key changes include the addition of a "definitions" Section (Section 103.15), deletion of unnecessary administrative requirements concerning agency governing body and written procedure requirements. Several processes were streamlined, including Agency Plan submission and fiscal reporting. Outcome focused performance monitoring was added.

The thrust of the Rule revision is provision of flexibility in operation for community agencies and the inclusion of appropriate accountability processes. These amendments are a part of the Department's general effort for regulatory reform, with the intent of reducing or eliminating unnecessary regulation while upholding reasonable standards of accountability and assurance of the provision of quality services.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference?

This rulemaking does not contain any incorporations by reference in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1006.02(b)).

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2201 et seq.)

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 402 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register.

- B) Types of small business affected: Private not-for-profit corporations (providers of community-based mental health and/or developmental disabilities services).

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- C) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and procedures are unchanged though simplified from those required under the previous Rule 103, including: (1) Submission of an annual Agency Plan (including service and financial information), (2) Monthly submission of service delivery information, and (3) Submission of annual independent audit.

- D) Types of professional skills necessary for compliance: Professional skills necessary for compliance are identical to those required under the previous Rule 103 including: (1) General business and accounting skills, and (2) Mental health and developmental disabilities treatment skills.

The full text of the Proposed Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESPART 103
GRANTS

SUBPART A: SYSTEM DESIGN

Section	Purpose
103.10	Definitions
103.11	Incorporation by reference
103.15	Geographic service area
103.20	Agency governance
103.25	High-risk/target populations -- (repealed effective June 30, 1983)
103.30	(repealed) Conflict of interest
103.40	Community operation of programs (Repealed)
103.50	General program and staffing requirements (Repealed)
103.60	Programs eligible for grants -- (effective until June 30, 1983)
	(repealed) Fiscal management
103.65	Programs eligible for grants (Repealed)
103.70	Special organizational structures
103.80	Monitoring and evaluation

SUBPART B: OPERATIONAL PROCEDURES

103.90	General provisions -- Fiscal requirements
103.95	Grant negotiation process
103.100	General provisions -- Accounting requirements
103.110	General provisions -- Allowable/non-allowable expenses
103.120	General provisions -- Audits
103.130	General provisions -- Departmental review and hearing processes
103.140	Budget application (Repealed)
103.150	Agency Plan
103.160	Grant Agreement and addenda
103.165	Accreditation
103.170	Agency Plan compliance
103.180	Prerequisites for disbursement of funds
103.190	Interruption of disbursement and grant cancellation
103.200	Revenue/expense reports (Repealed)
103.210	Lapsed funds

AUTHORITY: Implementing Sections 15, 34 and 34.1 of "AN - ACT - codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" Act (Ill. Rev. Stat. 1985 1991, ch. 91, pars. 100-15, 100-34 and 100-34.1) and the Community Services Act (Ill. Rev. Stat. 1985 1991, ch. 91, pars. 901 et seq.) and authorized by Section 5-104 of the Mental Health

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and Developmental Disabilities Code (Ill. Rev. Stat. 1985 1991, ch. 91, par. 5-104) and Section 5 of "AN - ACT - codifying the powers and duties of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1985 1991, ch. 91, par. 100-5).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9361, effective July 21, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 1788, effective February 2, 1983; amended at 7 Ill. Reg. 9304, effective July 27, 1983; amended at 10 Ill. Reg. 10572, effective June 1, 1986; amended at 10 Ill. Reg. 10568, effective September 1, 1986; emergency amendment at 16 Ill. Reg. 2643, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

SUBPART A: SYSTEM DESIGN

Section 103.10 Purpose

a) In accordance with provisions contained in the Community Services Act (Ill. Rev. Stat. 1981, ch. 91, pars. 901 et seq.) it is the Department's policy to provide leadership in facilitating the establishment of a comprehensive and coordinated array of private and public services for mentally ill, developmentally disabled and alcohol-abusing citizens residing in communities throughout the State. The Department shall work in partnership with local governmental entities, direct service providers, voluntary associations and communities to develop and maintain a service system that is sensitive to the needs of local communities and which complements existing family and other natural supports, social institutions and programs.

b) The goals of the service system shall include but not be limited to the following:

- 1) To strengthen the disabled individual's independence, self-esteem and ability to participate in and contribute to community life;
- 2) To insure continuity of care for recipients;
- 3) To enable disabled persons to access needed services, commensurate with their individual wishes and needs, regardless of where they reside in the State;

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4) To prevent unnecessary institutionalization and the dislocation of individuals from their home communities;

5) To provide a range of services so that persons can receive these services in settings which do not unnecessarily restrict their liberty; and

6) To encourage recipients to move among settings as their needs change.

e) The intent of this Part is to formally establish the policies and procedures of the Illinois Department of Mental Health and Developmental Disabilities in implementing the statutory mandates placed upon it, as well as the service need determinations and the administrative decisions made by it.

d) The principle of comprehensiveness, networking, accessibility and continuity of services provides the framework within which the service system is designed.

1) Comprehensiveness

A) It is a Departmental goal to assure that a comprehensive array of services is available for mentally ill, developmentally disabled and alcohol dependent priority populations identified herein. While the services eligible for grant funding provide only a portion of the services needed, they are the priority services which the Department supports.

B) Department-funded agencies must demonstrate inter-agency coordinative activities with the education, health, welfare, religious, law enforcement, voluntary and social services organizations in each planning area to assure comprehensive services appropriate to the target population being served.

Agency note: A planning area, with a population ranging from approximately 25,000 to 200,000, is a geographic division in each of the service regions. For the purpose of providing appropriate locally-operated networks of mental health services, the Department's programs are administered through a structure of service regions, each of which is headed by a regional administrator, with delegated authority to manage Departmental resources for both state-operated and community-based services.

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6) Comprehensiveness does not require that each planning area have a complete range of mental health programs, or that each agency funded provide all programs; it does require that basic programs be available to each planning area, for all target populations.

B) Specialized programs are often too costly, inefficient, or too difficult to duplicate in each planning area, but can be more completely developed as a region or multi-planning area program. The Department encourages such development, so long as the geographic areas are clearly defined and agencies are committed to serving the population of the geographic area needing the services. For example, a residential facility or rehabilitation program may serve multiple planning areas or counties.

E) Comprehensiveness does not require that each program element for each target population be provided separately within each planning area. Rather, multiple target populations can be served together in some programs, when their needs are similar.

F) There should not be unnecessary program duplication on the basis of diagnostic labels. Persons handicapped by mental illness, alcoholism, or developmental disabilities can be programmed together so long as that program is appropriate to meet the individual needs of the recipient.

2) Network of services

The Department in partnership with a duly constituted mental health authority, service providers, and community residents, will seek to develop and maintain a planned, organized, and coordinated network for the delivery of mental health services in every planning area of the State. Such a network should emphasize continuity, accessibility, appropriateness and comprehensiveness.

3) Accessibility of services

When the area is very large geographically, traveling teams or satellite program operations may be indicated. Satellite programs shall meet the minimum program specification set forth herein.

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4) Continuity-of-services

Services must be systematically developed so that persons in need of mental health services can move through the system of services without constant re-establishment of eligibility or re-diagnosis, and receive the most adequate and suitable form of services which their needs dictate. Continuity implies that any agency is part of a broader network of services, which assures that:

- A) The program will be coordinated with other agencies and generic services in the community to assure that the needs of recipients are met;
- B) The service system will build on the assets of its consumers and their community support systems by increasing their collective capacity to function at the maximum in the least restrictive environment appropriate to meet the needs of the recipients;
- C) Recipients eligible for treatment in one service element will be eligible for needed services in other elements of the network. Particular attention must be paid to recipients who are or about to be discharged from state-operated facilities and are expected to engage in collaborative service planning activities as contained in the Recipient Discharge/Linkage/Aftercare Manual.*

Agency note*: This manual is to be codified as 59-III-Adm-Code-125.

B) Network-descriptions

- i) Each agency applying for a Department grant shall describe the network to which it belongs and provide evidence of functioning work relationships among the elements of the network, including, but not limited to, effective referral and linkage procedures, membership in active inter-agency affiliations, record and data exchange systems, designated liaison staff between agencies, and working letters and agreements.

- ii) A memorandum of intent describing the proposed network may be substituted by new agencies which

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are not currently a component of a service network.

- iii) Exchange of confidential case record information among service providers must include appropriate authorization from the recipient, parent, or guardian (see Mental Health and Developmental Disabilities Confidentiality Act, Ill. Rev. Stat., ch. 91, pars. 810 et seq.). Such exchange may be by personal contact, copies of records, summaries, or telephone. Additionally, where treatment for alcoholism is concerned, the exchange of records must meet the provisions of the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1975 (42 U.S.C.A. 4582, 1981).
- iv) In order to provide dignified and prompt access to services, agencies shall limit complicated admission procedures and waiting lists.
- v) The agency must demonstrate an ongoing effort toward publicizing its programs, functions, and location to all segments of the community.
- vi) Agencies shall develop accessibility for recipients of limited physical mobility in keeping with the intent of federal, state and local standards which assure physical accessibility for individuals of limited mobility.

In accordance with the Community Services Act (Ill. Rev. Stat. 1991, ch. 91, par. 901 et seq.), and other rules and pertinent statutes, this Part establishes the Department of Mental Health and Developmental Disabilities' policies and procedures which are necessary to fund community agencies and programs which are eligible to receive grant-in-aid funding.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.11 Definitions

For the purpose of this Part, the following terms are defined:

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"Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

Accreditation Manual for Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1992);

Agency Accreditation Manual (Council on Accreditation of Services for Families and Children (COA), 520 Eighth Avenue, Suite 2202B, New York, New York 10018).

Consolidated Standards Manual (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, July 1, 1991);

Standards for Services for People with Developmental Disabilities (Accreditation Council for Services for Developmentally Disabled Persons (Council), 8100 Professional Place, Suite 204, Landover, Maryland 20785, 1990);

Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 101 North Wilmot Road, Suite 500, Tuscon, Arizona 85711, July 1, 1992);

"Agency plan." A part of the Grant Agreement which identifies the services to be provided, the target population and the geographic areas to be served. It identifies how the services will be financed and through what budget items and funding sources.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91, par. 1-100 et seq.).

"Community agency" or "agency." Local government, or not-for-profit corporation under contract with the Department to provide services.

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"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91, par. 801 et seq.).

"Control." For a not-for-profit corporation, current members of the governing body (or staff) comprise 50 percent or more of the governing body of the controlled entity or that governing body can select 50 percent or more of the controlled entity, or any combination of seats and selection that results in influencing 50 percent or more of the seats of the controlled entity. For a for-profit corporation, control is indicated if the agency owns or controls, by options or trust, 50 percent or more of the voting stock of the corporation, or has control over the selection of over 50 percent of the governing body of the for-profit corporation, or the hiring of its management. For a partnership, control is being a general partner in a limited partnership, or being a partner with more than 50 percent of the invested equity in a general partnership. For a sole proprietorship, control exists if the proprietor is a full or part-time employee of the grantee.

"Controlled entity." Any corporation, partnership or sole proprietorship that is controlled by the agency's governing body.

"Day mode." An administrative designation quantifying service activities which are delivered during any substantial and regularly scheduled portion of a specific 24-hour time period.

"Days." Calendar days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities.

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Event mode." An administrative designation quantifying service activities which are delivered in short, time-limited segments.

"Fair market value." The prevailing rate at which similar business is contracted in the agency's community, including the following specific criteria:

Fair market rent means up to plus 10 percent from the average of two estimates of appropriate rental costs from two local appraisers, which the agency is responsible for securing. If

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the appropriate rental cost is unclear, the Department and the agency shall establish a fair and appropriate fee.

Fair market fees for personnel means, whenever possible, the like prevailing rates in the community on a per day or per hour basis.

"Geographic service area." A geographic division for the purpose of providing locally-operated networks of services. The Department's programs are funded through a structure of service areas.

"Governing body." The policy-making authority of an agency which establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies, and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the agency's mission.

"Grant Agreement." When fully executed, the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the Grant Agreement and the Agency Plan.

"Individual" or "individuals." A person or persons who receives or receive mental health or developmental disability services.

"Lapse." Grant funds not expensed at the expiration of the grant agreement, due to allowable expenses not meeting revenue for Department grant funds awarded, by program.

"Lapse notice." A notification that the Department has determined potential lapsed funds, when the Department revenue by program exceeds allowable expense, by Department-funded program.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual services plan are obtained. The qualified mental retardation professional, qualified mental health professional or staff under their supervision shall be responsible for assuring linkage.

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"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq., 1991), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Network of services." A network which is developed and maintained by service providers, community residents, mental health authorities and the Department, and which is planned, organized and coordinated for the delivery of mental health services. Such a network will emphasize continuity, accessibility, appropriateness and comprehensiveness.

"Operating fund." A term inclusive of funds an agency may have in its accounting records, except those in a capital fund(s).

"Preliminary evaluation." The use of a system to evaluate the physical, social, developmental, behavioral and psychosocial aspects of an individual.

"Redistribution." A change in the distribution of the agency's total award between two or more individual program awards, involving an intra-agency transfer of funds; therefore, the increases to individual programs are always balanced by the decreases to other programs, but not changing the agency total.

"Reduction." A decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.

"Residential mode." An administrative designation quantifying service activities which are delivered in a specified living environment.

"Services" or "mental health or developmental disability services." Any treatment or habilitation events or products as contracted for through the grant agreement and as specified in the agency plan.

"Supplemental." For a program currently receiving grant funds, a supplemental represents an increase to both the individual program award and the agency total. For a new program, a supplemental represents both the addition of a specific program award, and an increase to the agency total.

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"Umbrella agencies." Those organizations which have overall legal, administrative, planning, and funding responsibility for delivery of services in more than one geographic service area.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.15 Incorporation by reference

Any rules of any agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.20 Geographic service area

Agency plans shall be developed, presented, and reviewed in the context of the needs and resources within the geographic planning service area(s) to be served. The objectives stated in the plan will shall be integrated into the development of the objectives of a community-based mental health delivery system which is one segment of the health and human services system, serving individuals the problem areas of alcoholism, developmental disabilities, and mental illness. Hereafter, in this Part, mental health services will refer to services provided to the mentally ill; the developmental disabled and alcohol abusers through services or a network of services.

- a) The agency will shall define and describe the specific geographic area to be served by each program. While there may be special considerations because of the nature of the area or population to be served, agencies are generally expected to relate their programs to a single planning area. Agencies are required to provide services in the grant-funded programs, up to the program's capacity and capability, for any recipient individuals in the target group who needs such services.

- b) In planning areas which have more than one agency providing the same program for a target population, written agreements between the involved agencies must specify for which aspect of the target population each will be responsible and how they will interrelate. This may be done on the basis of each agency serving a defined geographic portion of the planning area or a defined segment of the target population. This requirement does not imply denial of services to any individual on the basis of territorial responsibility. Rather, the requirement of clearly designated

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territorial responsibility for multiple service providers ensures that individuals needing services will be served.

- c) b) All persons requesting services from any Department-funded agency must shall receive a preliminary evaluation and be provided with immediate crisis intervention, if needed, regardless of their home area. The agency receiving the request for services shall, if funded for these services, provide the services. If the agency is not funded to provide these services, an immediate referral shall be made to an agency nearby which is funded to provide such services. The agency receiving the referral shall, then, provide the services as requested. Pursuant to necessary the recipient individual's consent in accordance with the Confidentiality Act, linkage within to the recipient's individual's home area must be undertaken with an agency most suitable for responding to the recipient's individual's treatment and training needs. (Mental Health and Developmental Disabilities Confidentiality Act, III: Rev. Stat. 1981, ch. 91, pars. 801 et seq.)

- c) Agencies receiving federal alcohol, drug abuse and mental health services (ADMS) block grant funds (42 U.S.C.A. 300x et seq., 1985 Supp.) through state financing shall assure that individuals admitted to Department facilities are screened and determined appropriate for that level of care or provide other treatment alternatives within the local community.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.25 Agency governance

- a) Governing body

Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences which it administers.

- b) Consumer representation

Each agency shall have provisions for obtaining input from consumers and/or consumer representatives to the governing body.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Section 103.30 High-risk/target-populations-(repeated-effective-June-90;

-----1983)-(Repeated) Conflict of interest

The agency must adhere to current Illinois statutes regarding conflict of interest and adopt a written policy concerning conflict of interest.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.40 Community operation of programs (Repealed)

a) Community-involvement-in-the-planning,-development,-operation;-and funding--of--mental--health--programs--is--essential--before--the Department--can--consider--granting--funds.--Recognition--of--an--agency as--a--community--service--provider--is--a--local--function.--The Department--is--responsible--for--endorsement--of--a--local--agency receiving--grant--funds.

b) Support-of-mental-health-services-in-the-form-of-local-tax-funds and/or-voluntary-cash-contributions-is-an-indication-of--the presence of local approval. The amount and/or percentage of non-Department-funds-will-be-a-factor--influencing-Department participation-in-program-funding.

c) Department---grants---are---available---to---governmental---and non-governmental---entities---Non-governmental---entities---must---be incorporated---on---a---not-for-profit---basis.---A---copy---of---the incorporation-papers-must-accompany-the-first-grant-application.

d) A-policy-making-board-is-required-and-must-represent-the-community to-be-served.--To-this-end,-it-is-recommended-that-at-least one-third-of-the-board-members-be-unrelated-to-the-recipients-being served-by-the-agency.--Where-multiple-community-areas-(Chicago)-or counties-(downstate)-are-included-in-one-planning-area,-board representation-from-all-communities-and-counties-is-encouraged. Geographic,-social,-cultural,-and-economic-interests-should-be represented;-and-participation-by-professionals,-lay-people,-and consumers-of-service-is-also-encouraged. Provisions-must-be-made for-regular-membership-replacement.

e) Agencies-are-required-to-annually-provide-the-Department-with-a current-listing-of-board-membership.

f) Conflict-of-interest

1) Since-board-members'-conflict-of-interest-can-result-in-both dangerous-legal-issues-and-publicity-damaging-to-both-the

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agency-and--the--individual--board-member--the--Department requires-that-the-agency-maintain-rules-to-govern-itself-when conflict-of-interest-situations-arise--These-rules-should-be established-in-the-agency-constitution,-bylaws-or-published policy.

2) To-avoid-conflict-of-interest,-boards-cannot-include-salaried staff--members--of--Department-funded--agencies,-immediate relatives-of-salaried-staff-members-of-Department-funded agencies,-or-Department-staff--Staff-members-of-other governmental-agencies,-nursing-and-shelter-care-homes-or-any other-agency-which-is-a-component-of-the-Department-funded service-network-are-not-eligible-for-board-membership;-if their-working-responsibilities-are-related-to-management, funding,-policies,-or-development-of-mental-health-services, Exceptions-to-this-policy-may-be-made-in-unique-situations for-salaried-staff-members-of-Department-funded-agencies-and their-immediate-relatives--All--such--exceptions--require written-justification-and-prior-written-approval-of-the regional-administrator--Exceptions-for-Department-staff-also require--the--prior-written-approval-of--the--Director. Exceptions-may-include-but-are-not-necessarily-limited-to rural--settings--with--limited-mental-health-expertise. Affected-parties-will-be-notified-in-writing.

g) Agencies-which-operate-programs-in-geographic-areas-having-"708" community-mental-health-boards-(Community-Mental-Health-Act,-III-Rev.-Stat.-1981,-ch.-91,-pars.-301-et-seq);-"555" public-health boards-(An-Act-in-relation-to-the-establishment-and-maintenance-of county-and-multiple-county-public-health-departments,-III-Rev. Stat.-1981,-ch.-111,-pars.-200-et-seq)-or-"377" county-boards-for-the-care-and-treatment-of-mentally-deficient-persons-(An-Act concerning-the-care-and-treatment-of-certain-mentally-deficient persons,-III-Rev.-Stat.-1981,-ch.-91,-pars.-201-et-seq)-shall submit-a-copy-of-their-application-for-Department-funding-to-such local-boards-for-their-review-and-comments;-at-the-time-their application-is-submitted-to-the-Department--These-local-boards shall-submit-to-the-regional-administrator-their-written-review-and-comments-within-60-days-after-receipt-of-the-application--The regional-administrator,-or-designee,-will-then-review-these comments-and-respond-to-the-local-board-within-60-days-after receipt-of-the-board's-comments.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 103.50 General program and staffing requirements (Repealed)

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a) Program requirements

- 1) Services may be provided at the facility itself, the recipient's home, or in the community. All settings should be utilized innovatively in order to reach the target populations.
- 2) Agencies with five or less full-time equivalent direct program staff may opt to submit, with the prior approval of the regional administrator, only one program application. Such applications should describe all elements and modalities utilized in providing the services.
- 3) Cumulative case records including an individualized services plan shall be maintained for each recipient. The individualized services plan must state the goal(s) for each recipient. Measurable objectives within time frames specified by the agency's professional staff in consultation with the recipient and relevant collateral are recommended. Each alcoholism-funded program is strongly urged to develop a recipient recordkeeping system equal to the one described in the Department's Division of Alcoholism's individual recipient records document (Individual Client Records, May 1978).
- 4) In addition to those policies and procedures outlined in other areas of this part, each agency is required to develop written policies and procedures in the areas of recipient rights/human rights, behavior management, and first-aid training. Agencies which are required to have these policies and procedures under licensure or certification standards shall continue complying with those standards.
- 5) Grant agencies shall not discriminate in the admission to and provision of needed services to recipients on the basis of race, color, sex, religion, national origin, ancestry, or handicap.
- 6) Admission policies and procedures shall be set forth in writing and be available for review.
- 7) All facilities and programs must be in compliance with applicable state licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements. All alcoholism treatment programs

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must be licensed by the Department of Public Health under the Standards for Alcoholism Treatment Programs.

b) Personnel requirements

- 1) Agencies shall not discriminate in the hiring or employment of staff on the basis of race, color, national origin, sex, religion, or handicap.
- 2) Personnel policies and procedures shall be set forth in writing and be available for review.
- 3) Merit system procedures are required of government agencies awarded federal funds.
- 4) Authority for administration and management, as set by the board, shall be delegated to a full-time executive.
- 5) A licensed physician (MD or DO) must assume medical and legal responsibility for medical services offered in any program including prescription of medications.
- 6) Professional mental health staff, such as psychologists, social workers, psychiatrists, psychiatric nurses, special educators, rehabilitation counselors, alcoholism counselors and clergy trained in pastoral counseling must be licensed, registered or certified by the State, as applicable to the discipline. When paraprofessional or untrained staff are used, they must be supervised by professional staff, and there must be an ongoing inservice training program in which they participate.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 103.60

Programs eligible for grants (effective until June 30, 1983)
(repealed) Fiscal management

- a) The agency shall be managed in a manner consistent with sound fiscal standards. The agency shall maintain written policies and procedures regarding its fiscal activities including, but not limited to payroll, purchasing, cash management, relevant fee schedules, contracts and risk management. An annual budget shall be developed for each fiscal year and be approved and monitored by the governing body.

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- b) If the agency has the responsibility for the management of the funds for the individuals it serves, such funds shall be accounted for on an individual basis.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.65 Programs eligible for grants (Repealed)

a) Introduction

- 1) Assumptions --of --the --Department --of --Mental --Health --and Developmental Disabilities--community--service--system:

A) The system is a unified service approach which takes into account differences among disabilities.

B) The system components are related or linked in such a way as to assure continuity of care.

C) The system is designed to meet individual needs with services performed in the least restrictive environment appropriate to the needs of the recipient.

D) The system will periodically evaluate the services of each active recipient to assure that appropriate services necessary to maintain the maximum level of stabilization while assuring opportunities for normal life experience and growth are being provided.

E) The system is designed to allow for participation by the recipient for as long as the individual need requires.

2) Mode definitions

A) Event mode --An administrative designation quantifying service activities which are delivered in short, time limited segments.

B) Day mode --An administrative designation quantifying service activities which are delivered during any substantial and regularly scheduled portion of a specific 24-hour time period.

C) Residential mode --An administrative designation quantifying service activities which are delivered

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- continuously over a 24-hour period in a specified living environment.

3) Service functions--definition

The service functions which follow are sets of related activities designed to achieve specific objectives. Each service function coordinates a cluster of activities, through which the service function goals are met. The service functions are: prevention; intervention; treatment habilitation; maintenance and case coordination. Other direct services separately designated are special programs, mental illness, and mandated follow-up.

4) Generic functions--definition

Certain support activities must be present in all service functions to assure adequate and appropriate performance. These are called generic functions. Depending on the needs of the service network, these can exist as separate services or as components of services. These functions are administration, training, transportation, utilization review and program evaluation.

b) Prevention (service function)

Prevention is an aggregate of purposeful methodologies designed to reduce the incidence and ameliorate the severity of developmental disabilities and mental illness and promote the well-being and growth of the general population and strengthen those aspects of the community environment which are supportive.

c) Intervention (service function)

1) Prompt and accessible screening, diagnostic, crisis intervention, referral and other appropriate services which assist recipients to cope with immediate problems in living.

2) The goal is to reduce distress in recipients and/or families within a limited time span, and to facilitate emotional, social, and physical stability.

3) Intervention event mode: developmental disabilities and mental illness

A) Typical settings

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- i) Recipient's--residence--(e.g.,--home,--community residence,--long-term-care-facility);
- ii) Emergency-telephone-hotline;
- iii) Community--mental--health--or--developmental disability-agency;
- iv) Hospital--(emergency-room);
- v) Local-law-enforcement-agency.
- B) Typical-activities
- i) Twenty-four--hour--walk-in,--outreach--and/or telephone-services;
- ii) Admission-evaluation-and-referral;
- iii) Formal-linkage-to-inpatient-programs-and-crisis residential-centers;
- iv) Crisis-counseling-including-suicide-prevention;
- v) Emergency-psychiatric-evaluation-and-medication administration--(for-mentally-ill-only);
- vi) Home-intervention;
- vii) Transportation-arrangements;
- viii) Liaison-with-local-law-enforcement-and-general hospitals.
- C) Admission-criteria-for-developmentally-disabled
- Any-person-who-appears-to-be-developmentally-disabled, in-crisis-and-in-need-of-intervention-services-which would-not-be-expected-to-extend-for-a-period-longer than-72-hours.
- B) Admission-criteria-for-mentally-ill
- Any-person-suffering-from-an-acute-emotional-or-social crisis--who-request--service---This-request--can--be initiated--by--any--concerned--person---The--extent--of

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- service-provided-will-depend-upon-an-initial-evaluation of-need-but-would-not-be-expected-to-extend-for-more than-72-hours.
- 4) Intervention---residential-mode--mental-illness
- A) Typical-settings
- i) Group-home;
- ii) Other-supervised-living-facility;
- iii) Public-accommodation;
- iv) Licensed-care-facility.
- B) Typical-activities
- i) Twenty-four-hour-supervised-shelter-and-physical care;
- ii) Liaison-to-intervention/event-mode-and-inpatient psychiatric-service;
- iii) Crisis-stabilization-activities;
- iv) Collaboration-with-case-coordination-agency;
- v) Transportation;
- vi) Medication-evaluation--provision-and-supervision;
- vii) Referral-service;
- C) Admission-criteria
- i) Acutely-disturbed-mentally-ill-or-chronically mentally-ill-persons-who-require-a-supervised alternative-from-their-regular-living-situation and-who-without-this-service-would-probably-be hospitalized.
- ii) Referrals-may-be-by-an-intervention-event-mode service-for-crisis-care-or-by-a-treatment-or maintenance-service-for-crisis-or-respite-care.

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An episode of service would not be expected to extend longer than five days.

d) Treatment/habilitation (service function)

Methods of development, remediation and enhancement that attempt to effect an improved mental and physical condition and/or related behaviors of individuals. The goal is improved social adaptation and integration.

i) Treatment/habilitation ---- event ---- mode: ---developmental disabilities

A) Typical settings

i) Recipient residence;

ii) Community agencies;

iii) Other alternative residential settings;

iv) Free-standing recreation program center.

B) Typical activities

i) Recipient assessment, diagnosis, evaluation and individualized services plan development;

ii) Supervision and assistance with activities of daily living;

iii) Individual, group or family counseling services;

iv) Training of parents or other responsible collateralists in treatment, management techniques, behavioral intervention and acquisition of parenting skills;

v) Consultation, referral and/or liaison with other treatment services and resources;

vi) Recreation program ---- activities ---- in self expression, social interaction and leisure time interests, skills, orientation, and adaptation.

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Admission criteria -- Any person who appears to be developmentally disabled and in need of services.

2) Treatment/habilitation ---- event mode: mentally ill

A) Typical settings

i) Recipient residence

ii) Community mental health centers;

iii) Other alternative residential settings;

iv) Schools.

B) Typical activities

i) Immediate initial assessment;

ii) Diagnostic ---- evaluations ---- and ---- individualized services plan development;

iii) Medication ---- evaluation; ---- provision; ---- and supervision;

iv) Individual, group or family counseling and/or treatment;

v) Consultation, referral and/or liaison with other program services and resources (not to be confused with case coordination services);

vi) Training, supervision and/or assistance with activities of daily living.

Admission criteria -- Seriously emotionally disturbed and/or mentally ill children, adolescents and young adults and their families; severely or chronically mentally ill adults and their families; mentally ill elderly and significant others; persons ordered to treatment by juvenile or adult courts who are in need of any or all of the typical activities provided by this program and wards of the State for whom no other appropriate resources are available.

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- 3) Treatment/habilitation-----day-----mode:-----developmental disabilities, mental illness, (vocational development)

A) Typical settings

- i) Sheltered workshop;

Agency note: A sheltered workshop or workshop means a charitable organization or institution conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature. (Fair Labor Standards Amendments of 1966, 29 U.S.C.A. 202 et seq., 1982).

- ii) Community employment location;

B) Typical activities-----sheltered workshop

All programs in this category must adhere to applicable state and federal labor requirements.

- i) Evaluation-----psychological and aptitude testing; assessment of fine and gross motor skills; vocational interest testing and career opportunity counseling; and simulated work setting.

- ii) Work adjustment training-----vocational and personal adjustment counseling; employment supervision; independent living skills; job application skills; development of work skills; job placement and follow up; and job coaching service (on the job site).

6) Typical activities-----community employment

- i) Skill training;

- ii) On the job training;

- iii) Job placement;

- iv) Transitional employment program;

- v) Job coaching services;

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- vi) Follow up and follow along services.

- B) Admission-----criteria-----sheltered workshop: Developmentally disabled or chronically mentally ill adults who need work related skill development prior to or in preparation for competitive employment in the community.

- E) Admission-----criteria-----community employment: Developmentally disabled or chronically mentally ill adults in need of supervision, coaching or support during the transition from sheltered employment to competitive employment.

- 4) Treatment/habilitation-----day-----mode:-----developmental disabilities, mental illness (psychosocial development)

A) Typical settings

- i) Community agency;

- ii) Day training or treatment center;

- iii) Child care center;

- iv) Registered non-public special education facility;

- v) Park or recreation area;

- vi) Other recognized education facilities.

B) Typical activities-----adult day training*

- i) Diagnostic evaluation and individualized services plan development;

- ii) Basic self help and daily living skills training;

- iii) Gross motor skill development (ambulation, physical therapy, occupational therapy);

- iv) Communication techniques (speech training, sign language, communication boards, writing name and address, basic counting, form and color recognition);

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- v) Sex-education/awareness;
 - vi) Constructive-use-of-leisure-time;
 - vii) Summer-day-camp-(recreation-experiences-through-physical-exercise);
 - 8) Typical-activities---adult-day-treatment*
 - i) Diagnostic-evaluation-and-individualized-services-plan-development;
 - ii) Individual,-family-and/or-group-therapy;
 - iii) Development-of-skills-for-independent-living;
 - iv) Milieu-therapy;
 - v) Pre-vocational-activities;
 - vi) Structured-leisure-time-activities;
 - vii) Recreation-and-social-skills-enhancement;
 - viii) Crisis-management;
 - ix) Medication-----evaluation,-----provision-----and-administration-(unless-provided-elsewhere);
- *These programs must function a minimum of five hours a day-five days-per-week.

- B) Typical-activities---day-treatment-or-training-(3-to-21-years-of-age)
- i) Diagnostic-evaluation-and-individualized-services-plan-development;
- ii) Individual,-group-or-family-counseling,-therapy-or-training;
- iii) Social-and-recreational-activities;
- iv) Activities-outside-of-regular-school-hours,-days-or-months-of-operation-designed-to-enhance-or

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- maintain---cognitive,---social---and---emotional-development;
- v) Liaison-with-local-education-agencies-and-other-program-services.
- E) Typical-activities---day-training-for-children-(0-to-3-years-of-age)
- i) Case-finding,-early-intervention-and-outreach;
- ii) Diagnosis,-----assessment,-----evaluation-----and-individualized-services-plan-development;
- iii) Parent-education,-counseling-and-training;
- iv) Physical-therapy,-occupational-therapy-and-speech-therapy;
- F) Admission---criteria-----adult---day---training:-Developmentally---disabled---adults---who---are-severely/profoundly ---retarded ---and/or ---multiply-handicapped-who-need-to-develop-and-maintain-basic-skills.
- G) Admission-criteria---adult-day-treatment:-Acutely-or-chronically---mentally---iii---adults---whose---independent-living-and-community-coping-skills-need-enhancement-or-reinforcement-to-allow-them-to-continue-to-reside-in-a-community-setting.
- H) Admission-criteria---day-treatment-or-training-(3-21-years-of-age):-Developmentally---disabled---severely-emotionally-disturbed-or-mentally-iii-children-who-have-been-determined-by-the-local-education-agency-to-be-eligible-for-non-public-special-education-placement-or-similar---children-who-attend-public-school---special-education-programs-and-are-determined-to-need-after-school-or-summer-services-to-supplement-the-public-school-services.
- I) Admission-criteria---day-training-for-children-(0-to-3-years-of-age):-Developmentally-disabled-children-with-significant-developmental-delays.

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- 5) Treatment/habilitation-----residential--mode--developmental disabilities
- A) Typical-setting---recipient's-residence
- B) Typical-activities
- i) Admission-and-evaluation;
- ii) Development-of-individualized-services-plan;
- iii) Counseling-(individual,-group-and/or-family);
- iv) Enhancement--and--development--of--daily--living skills;
- v) Community-survival-skills;
- vi) Socialization-skills;
- vii) Recreation-and-leisure-time-skills;
- viii) Liaison-and-referral-services;
- 6) Admission--criteria-----Any--developmentally--disabled person who is in need of developmental skills to enhance the recipient's functioning level.
- 6) Treatment/habilitation---residential-mode-mental-illness
- A) Typical-settings
- i) Group-home;
- ii) Other-supervised-living-facility;
- iii) Public-accommodation;
- iv) Licensed-care-facility;
- B) Typical-activities
- i) Individualized-services-plan-review-and-update;
- ii) Twenty-four-hour-supervised-shelter-and-physical care;

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- iii) liaison-to-intervention-and-treatment/event-mode and-inpatient-psychiatric-services;
- iv) Individual,-group-or-family-counseling-and/or treatment;
- v) Crisis-stabilization;
- vi) Collaboration-with-case-coordination-agency;
- vii) Transportation;
- viii) Medication-evaluation,-provision-and-supervision;
- ix) Referral;
- 6) Admission-criteria---Acutely-disturbed-mentally-ill-or chronically-mentally-ill--persons--who--require--an alternative-supervised-living-situation-and-without this-service-would-probably-be-hospitalized--Referral may-be-by-an-intervention,-treatment-or-maintenance service.-Service-to-a-recipient-in-this-mode-will depend-substantially-on-the-degree-of-disability-and the-response-of-the-recipient-to-activities-provided-
- e) Maintenance-(service-function)
- An-aggregate-of-methods-designed-to-sustain-the-current-level-of functioning-and-well-being-and-to-obviate-the-need-for-a-more restrictive-environment-for-persons-who-have-serious-ongoing impairment.
- ii) Maintenance---event-mode-developmental-disabilities
- A) Typical-settings---Recipient's-residence-(e.g.,-home,-long-term-care);
- B) Typical-activities
- i) Stabilization;
- ii) Outreach;
- iii) Support-and-guidance;

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- 6) Admission--criteria-----Any--developmentally--disabled person--who--requires--some--ongoing--support--in--the community.
- 2) Maintenance---event-mode-mentally-iii
- A) Typical-settings
- i) Recipient's--residence--(e.g.,--home,--long-term care);
- ii) Community-mental-health-centers;
- iii) Drop-in-centers;
- B) Typical-activities
- i) Outreach;
- ii) Drop-in-home-visits;
- iii) Medication-review,--adjustment-and-supervision;
- iv) Supportive-small-group-approaches;
- v) Informal-social-and-recreational-activities.
- 6) Admission-criteria-- --Seriously-emotionally-disturbed and/or-mentally-iii-children,--adolescents-and-young adults,--severely-or-chronically-mentally-iii-adults-and all-mentally-iii-elderly-who-are-in-need-of-any-or-all of-the-typical-activities-provided-by-this-program. Admission-is-by-recipient-request-or-referral-by-an intervention-or-treatment/habilitation-service-agency.
- 3) Maintenance-- --day-mode--developmental-disabilities,--mental illness.
- A) Typical-settings
- i) Work-activities-center

Agency-note:-A-work-activities-center-shall-mean-a-workshop-or-separated department-of-a-workshop-having-an-identifiable-program,--separate-supervision and--records--planned--and--designed--exclusively--to--provide--therapeutic activities-including-custodial-activities--and-any-purposeful-activities--so

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- long-as-work-or-production-is-not-the-main-purpose----(Fair-Labor-Standards Amendments-of-1966):
- ii) Sheltered-employment-location
- B) Typical-activities---work-activity
- i) Limited-work-experience;
- ii) Community-survival-skills;
- iii) Socialization-skills;
- iv) Independent-living-skills;
- v) Recreational/leisure-time-skills;
- vi) Counseling;
- C) Typical-activities---sheltered-employment
- i) Foster--individual--growth--and--potential--for community-related-activity;
- ii) Employment-supervision;
- iii) Periodic---follow-up---to---identify---individual functioning--which--may--lead--to--competitive employment.
- B) Admission-criteria-- --work-activity-Developmentally disabled--or--chronically--mentally-iii--adults--who function-at-a-moderate-to-severe-impairment-level-and who-are-in-need-of-development-of-skills-that-will enhance--their--capabilities--for--productivity--and independent-living.
- E) Admission---criteria-----sheltered---employment-Developmentally-disabled-or-chronically-mentally-iii adults--in--need--of--long-term-employment,--whose functional-level--requires--a--highly--supervised environment-but-does-not-preclude-future-movement-into competitive-employment.
- 4) Maintenance---residential-mode--developmental-disabilities

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- A) Typical-settings
- i) Recipient's residence;
 - ii) Supported-living-arrangements;
 - iii) Licensed-care-facilities;
 - iv) Alternative-residential-settings;
- B) Typical-activities
- i) Admission-evaluation;
 - ii) Review--and--update--of--individualized--services plan;
 - iii) Stabilization-and-enhancement;
 - iv) Supported/supervised-shelter-and-physical-care;
 - v) Individual-group-and/or-family-counseling;
 - vi) Daily-living-skills-and-activities;
 - vii) Recreation/leisure-time;
 - viii) Transportation;
- 6) Admission--criteria-----Any--developmentally--disabled person who requires some degree of ongoing support within-a-residential-setting.
- 5) Maintenance---residential-mode-mental-illness
- A) Typical-settings
- i) Group-home;
 - ii) Other-supervised-living-facility;
 - iii) Public-accommodation;
 - iv) Licensed-care-facility;
- B) Typical-activities

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- i) Supervised-shelter-and-physical-care;
 - ii) Collaboration-with-case-coordination-agency;
 - iii) Stabilization-and-enhancement-of-functioning;
 - iv) Medication--review,--adjustment--and--supervision (unless-provided-elsewhere);
 - v) Referral-services;
 - vi) Transportation;
- 6) Admission--criteria-----Chronically--mentally--ill--or acutely--mentally--ill--persons--who--require--some supervised-alternative-to-a-more-independent-or-regular living-situation-and-who-without-this-maintenance-and support-would-probably-be-hospitalized--Referral-may-be by-an-intervention--treatment-or-maintenance-service.
- f) Case-coordination-(service-function)
- i) Case--coordination--is--a--mechanism--for--assuring--and coordinating-services-to-meet-the-needs-of-those-recipients who-require-this-service--it-provides-the-necessary-advocacy function-to-facilitate-the-linkage-of-a-recipient-who-has identified-service-needs-to-the-available-resources--The-case coordinator--principally--focuses--on--the--service--delivery system--from-the-vantage-point-of-the-individual-recipient-in need-of-the-service--and-engages-in-resource-identification and-linkage.
 - 2) Case--coordination--attends--to--the--practical--level--of synchronizing-the-efforts-of-multiple-service-providers-and other-supportive-resources-which-enable-the-recipient-to-live successfully-in-a-community-setting--However--the--case coordination-function-does-not-displace-the-responsibility-of other-service-providers-to-work-directly-with-the-recipient or-with-the-family--community-supportive-resources-or-other service-organizations-as-provided-for-in-the-individualized services--plan--Rather--the--case--coordinating--function complements-and-integrates-the-usual-services-for-those recipients-whose-need-is-so-substantial-as-to-require-an extraordinary-level-of-service-attention--Case-coordinators rely--in-large-part--upon:

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- A) Working knowledge of the nature and consequences of the recipient's disability;
- B) Functional knowledge of the service delivery system; recipient eligibility requirements and procedures;
- C) A working understanding of potential recipient resources; particularly those available through federal, state and local governmental agencies;
- D) The ability to work cooperatively with the many individuals and organizations which can provide services and assistance to the recipient.

3) Typical settings

Case coordination may be provided through various organizational entities.

- A) By the Department of Mental Health and Developmental Disabilities;
- B) Through an entity which also provides direct recipient individualized services or other indirect services; or
- C) Through a free-standing entity whose sole function is the provision of case coordination services.

4) Typical activities

Activities a case coordinator engages in may include:

- A) Assessment of service need. Participates with direct service staff in assessing an individual's needs and readiness to move into alternate services or settings; utilizing clinical evaluation of intellectual, emotional and functioning levels. Where appropriate, standardized assessment instruments, such as the Illinois Gifted Information System (IGIS) for developmentally disabled recipients, will be used in conjunction with the professional evaluation of need.
- B) Development of recipient individualized services plan. Participates with responsible program staff in developing a plan for the most effective and

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appropriate continuum of generic and specialized services.

- C) Arrangement for service delivery. Assists recipient in identifying appropriate providers of care, screening and assistance in the eligibility process for Department or Department-supported programs as well as other public or private programs, and facilitating the linkage of recipients to service provider(s) and case coordination in a new location, if appropriate.

- D) Coordination and advocacy with service providers. Is responsible for enabling continuity, accessibility and the most effective delivery of services as prescribed in the individualized services plan including the facilitation of coordination activities among multiple providers.

- E) Follow-up. Conducts scheduled activities to monitor and evaluate the recipient's progress toward established service goals, and the need for continuing services. While follow-up activities focus on recipient status, they also may provide commentary on service irregularities or deficiencies and provide recommendations on the status and quality of care provided by the service delivery system.

8) Special programs--mental illness (service function)

- 1) Section 16-2 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1985, ch. 91, par. 100-16-2) which provides for the community support system demonstration project for the chronically mentally ill states that "The project to demonstrate the effectiveness of a comprehensive continuum of community residential alternatives for the mentally ill with emphasis on care and treatment of recidivistic and long-term institutionalized mentally ill."

- 2) The goal of the community support system demonstration project is to develop a system of community-based supportive and residential services for the housing, treatment, training and rehabilitation of the chronically mentally ill who may otherwise be hospitalized or unable to move to alternative less restrictive settings.

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3) Program components must include a variety of supportive services which will foster the ability of the recipient to function in the least restrictive environment. These multi-faceted services must be delivered in conjunction with the identified case coordination agency.

A) Typical activities

- i) Supervision of living environment;
- ii) Daily living skills training;
- iii) Social, recreational, and leisure time activity/training;
- iv) Financial management training;
- v) Vocational skills training;
- vi) Medication, evaluation, and supervision;
- vii) Liaison services with other service and support service providers;
- viii) Individual, group and/or family counseling;
- ix) Referral.

B) Admission criteria -- Chronically mentally ill adults whose severe and persistent mental disorders interfere with their functional capacities in relation to such primary aspects of daily life as self-care, interpersonal relationships, and work or schooling. These chronic disorders have often necessitated prolonged and/or repeated psychiatric hospital care.

h) Mandated follow-up monitoring services (service function)

i) Mandated follow-up monitoring services are a legal responsibility of the Department for all recipients placed from Department facilities into long term care facilities, skilled nursing care facilities, intermediate care facilities and sheltered care facilities (AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities, "Ill. Rev. Stat. 1985, ch. 91, par. 100-15).

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2) The provision of these services may be delegated to a community agency by contract between the Department and the service agency. This contract states that the named agency is an agent of the Department and Part 125, Recipient Discharge/Linkage/Aftercare (59 Ill. Adm. Code 125) regarding mandated follow-up monitoring services must be adhered to.

j) Administration (generic function)

A management framework through which service functions can be supported and performed; administrative services include such activities as planning, personnel management, translation of policy to daily operation and resource management.

j) Training (generic function)

A structure or mechanism through which staff responsible for service delivery are provided appropriate ongoing education designed to enhance performance of the service delivery function.

k) Transportation (generic function)

A service which may be provided to facilitate participation in programs required by the recipient's individualized services plan when usual forms of private or public transportation are not available or are inappropriate.

j) Utilization review (generic function)

Ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding recipient assessment; eligibility for service and appropriateness of services rendered.

m) Program evaluation (generic function)

Measurements and methods designed to determine the effectiveness and efficiency of services; it is typified by ongoing assessment and regular review promoting meaningful modification in service programming if indicated.

n) Special purpose grants

i) Notwithstanding the provisions of this Part, the Director of the Department may make grants to universities, clinics, service provider agencies for specialized service provisions;

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demonstration projects or consultation in the mental health field, and where warranted, for the provision of equipment and program start-up costs not normally funded by the Department.

- 2) Such grants must be subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat., 1985, ch. 127, pars. 2301 et seq.) and require the provision by the receiving agency or organization of a statement of need on forms prescribed by the Department. No such grant may be approved unless it is expressly authorized by the Department and is certified as consistent with the needs of the Department and the laws of the State of Illinois.

- 3) All requests for grant fund exceptions pursuant to this subsection must be submitted to the appropriate region administrator or associate director for mentally ill or developmental disabilities, for Central Office administered grants, for Central Office administered grants, for review and submission to the Deputy Director for Regional Operations. Upon review, the request, with the recommendations, will be forwarded to the Director's office for decision. Requests for exceptions will be responded to by the office of the Director within 90 days of the receipt of the request for an exception.

- 4) Requests for exceptions may include but are not limited to the following:

A) The service category for which funds are requested is not currently provided for in 59 Ill. Adm. Code, 103.65. (This would provide for one-time grants and for start-up grants for new services.)

B) The expenditure category is specifically excluded from funding in 59 Ill. Adm. Code, 103.110 and the request meets the following criteria:

- i) Provides funds for items normally funded by local funds, e.g., equipment for which no local dollars are available, and such a purchase is in the best interest of the Department of Mental Health and Developmental Disabilities (DMHDD).

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- iii) Provides funds for start-up costs not normally funded by DMHDD but for which no local funds are available.

- iii) The expenditure will provide direct benefit to a number of community grant agencies, such as a consultant to assist agencies in meeting other funder billing requirements for which DMHDD will be an indirect recipient of the benefits so derived.

- iv) All exceptions granted under this provision of Part 103 must be in accordance with Ill. Rev. Stat., 1985, ch. 91, pars. 100-34, 100-34.1 and 901 et seq.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

SUBPART A: SYSTEM DESIGN

Section 103.70 Special organizational structures

- a) Comprehensive community mental health centers

- 1) As a part of the Public Health Services Act, Title XIX, Part B (42 U.S.C.A. 300x et seq., 1985 Supp.) the alcohol, drug abuse and mental health service (ADMS) block grant provides fundings for services provided to the mentally ill by comprehensive community mental health centers. A Departmental goal, as the lead agency for the alcohol, drug abuse and mental health services block grant, is to maintain, strengthen and further develop the continuum of community-based services to the mentally ill.

- 2) Comprehensive community mental health centers receiving ADMS funds must shall provide specialized outpatient services, 24-hour a day emergency care, day treatment or other partial hospitalization, screening to determine the appropriateness of admissions to state mental health facilities and consultation and education services. Before agencies are funded through the ADMS block grant, the region and central office will determine that these requirements are met. Agencies receiving block grant funds shall also required to provide services to individuals residing in a defined geographic area, with special attention to the chronically persons with severe and persistent mental illness.

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regardless of ability to pay, current or past health condition, or any other factor. These services must shall be available and accessible promptly and in a manner which preserves human dignity and assures continuity and high quality care.

3) Those community agencies which have utilized federal funds for purchase, renovation, or construction of facilities within which mental health services will be provided, are legally responsible for the provision of a specified range of mental health services for at least 20 years, by virtue of written assurances given to the federal government.

4) Eligibility for continuing Department participation in funding requires that a comprehensive center must meet the requirements established by federal law (Public Law 98-509, Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984-42 U.S.C.A. 300x et seq., 1985-Supp.).

5) ADMS block grant funds may shall not be used to provide inpatient services; purchase or improve land, purchase, construct or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; satisfy any requirements for the expenditures of non-federal funds as a condition for the receipt of federal funds; provide financial assistance to any entity other than a public or nonprofit private entity; or make cash payments to intended recipients individuals.

6) Funding of these centers will be consistent with the service priorities of the Department.

b) Community mental health (708) boards

1) As required by the Community Mental Health Act (Ill. Rev. Stat. 1985-1991, ch. 91, pars. 300.1 et seq.), community mental health boards (708) must shall develop and submit a comprehensive plan for mental health and developmental disabilities programs in their geographic area by October 1 of each year for the ensuing 12-month and 5-year periods. Such plans shall be submitted annually for the ensuing 12 months to the regional administrator or designee-Department.

2) When there is more than one 708 board within the planning areageographic service area, the Department encourages the development of a single plan and a single delivery system for

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the entire planning-areageographic service area. It is desirable that contiguous 708 boards in a planning area enter into mutual discussions as soon as possible to facilitate development of the most effective array of services for the respective areas, with minimal amounts of unnecessary duplication.

3) The Department will not make grant awards without consideration of the review and comments submitted by the 708 board. Pursuant to Section 3e(h) of the Community Mental Health Act, the Department will not make grant awards without consideration to the review and comments submitted by the 708 boards. (Ill. Rev. Stat. 1985, ch. 91, par. 300e(h)).

4) Programs operated by a 708 board are eligible for grant funding for no more than two fiscal years and must fully meet the requirements of this Part. When programs are directly operated by 708 boards, related administrative costs must be properly allocated to each program in the agency plan.

5) The Department will not participate in the costs of a 708 board which are attributable to the administration of local funds, duties and responsibilities. However, the Department may participate in the administrative costs of a 708 board which are directly attributable to the cost of administering Departmental duties and responsibilities. These costs are limited to those duties and responsibilities mutually negotiated and transferred from the Department to a community mental health 708 board or to a similar type of mental health authority.

6) Executive directors and staff of agencies funded by both 708 boards and the Department funds may not serve concurrently as a member or as staff of the 708 board. Individual exceptions to this provision must be justified in writing and require the written approval of the regional administrator. Reasons for exceptions may include but are not necessarily limited to rural areas with limited mental health expertise.

c) Public health departments

1) County, multiple county, and municipal public health departments established by either referendum or resolution have the option to provide mental health and developmental disabilities services (see the Department of Public Health's program standards for local health departments in Illinois).

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rules at 77 Ill. Adm. Code 615 (Local Health Departments Program Standards Code)). Those public health departments which opt to provide these services are eligible agencies for grant funds, whether they provide services directly or by contract with existing providers of services (either within or outside the planning/geographic service area). All services provided directly or by contract must be included in the planning and coordination activities of the total network of services for a planning area.

2) Administrative costs of non-Department funded programs within a public health department are not eligible for funding by the Department. Administrative costs of Department funded programs must be properly allocated to each program in the agency plan.

3) A mental health and developmental disabilities services advisory committee must be appointed by the health department board. This committee shall serve as a board for mental health programs. No more than one member of the board of health shall serve on the mental health and developmental disabilities services advisory committee. This committee must meet all board requirements as specified in Section 103-40.

4) Department-funded local health departments must shall be in compliance with the Illinois Department of Public Health Program Standards for Local Health Departments in Illinois 77 Ill. Adm. Code 615.

d) Umbrella agencies

A plan for providing community input to the operation of units of the umbrella agency shall be developed.

1) Umbrella agencies are generally those organizations which have overall legal, administrative, planning, and funding responsibility for more than one unit, in more than one planning area. Generally, each unit of an umbrella agency has its own unit director and operates programs similar to those of free-standing facilities.

2) A plan for providing community input to the operation of units of the umbrella agency must be developed. Such a plan must be reviewed by the regional administrator or designee prior to implementation. One approach for achieving local

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community input is through the development of program advisory community boards for each unit.

3) The regional administrator or designee will consult with each separate unit as well as with the umbrella agency on the development of the grant application, in relation to the needs and program resources of the service area in which it is located.

4) Allowable costs of the central administrative office are eligible for grant funding, through the submission of a Generic Function Program (Administration).

5) An agency which wishes to assume the operation of community programs currently operated by an umbrella agency and which can demonstrate its capability of doing so at a level equal or superior to the current level of service can apply for direct funding to operate the program. A plan must be developed with the knowledge of the umbrella agency and sent to the regional administrator at least six months prior to the submission of the formal grant application in order to assure adequate time for review, planning and a smooth transition if the grant is approved.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.80 Monitoring and evaluation

The agency shall agree to participate in a monitoring and evaluation system as described in the grant agreement.

a) System performance

1) The assessment of the accomplishments of the community delivery system is a joint responsibility of the Department and the community. It is an essential planning tool for those responsible to develop and administer community service systems. Certain objective statistical measures have been used by the Department to evaluate system performance. Although these statistics do not necessarily relate to specific service providers participating in the network and their usefulness varies from problem area to problem area, they do reflect significant characteristics of the total service system. The Department will utilize the following indicators, among others, in assessing community delivery systems:

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- A) First admissions to Department facilities as a measure of the availability and effectiveness of community services which provide alternatives to state hospitalization.
- B) Readmissions to Department facilities as a measure of the success of rehabilitation efforts and of community programs.
- C) Readmissions within 30 days as a measure of the quality of planning, coordination, and follow-through between state-operated and state-aided providers in the discharge/placement process.
- D) The total number of persons from the planning area currently residing in Department facilities as a measure of the availability of community resources to receive and support such persons.
- E) Time required for linkage as a measure of the quality of planning and follow-through by the responsible community provider in delivering services.
- F) Region offices will provide to local agencies and duly constituted mental health authorities available information on the use of inpatient psychiatric facilities in local community hospitals which have Department purchase care contracts.
- G) Other objective measures of effectiveness will be developed jointly by Department and community staff.
- 2) The statistics mentioned above are available to local agencies and duly constituted mental health authorities. Information on the statistics discussed in paragraphs (A) through (G) is available on the "Institutionalization by Client Planning Area, Problem Area and Age Group" report and the readmission series report. This report is available September 15th for the prior fiscal year and February 15th for the first six months of the current fiscal year. The information discussed in paragraphs (E) and (F) for your local area is available through your Department regional representative.

b) Monitoring service delivery

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- 1) Monitoring is concerned with the collection and assessment of management information in order to ascertain whether an agency is performing in accordance with its agreement in light of the program guidelines. The focuses of monitoring are the agency and the agency's programs. The Department monitors each program in terms of its performance versus the projections in the Agency Plan. Agency performance will be reported through the extramural reporting system of the Department. Service reporting forms DMHDB-1009 and 1077 are of crucial importance in documenting program service delivery and must be done accurately and submitted in a timely fashion. The Department will provide monthly and quarterly reports to region offices and agencies for monitoring purposes.
- 2) Agencies will make available to representatives of the Department all financial records (including drug expenditures as recorded on the agency's drug issues record), recipient attendance and/or service records, and case records. In making case records available, the agency, in consultation with regional staff, will ensure the confidentiality of each individual recipient.
- c) Evaluation
- While the Department will play a significant role in both system evaluation and agency program evaluation, primary responsibility for program evaluation rests with the local agency. It requires that a treatment philosophy be developed for each program with written program objectives which are consistent with that philosophy and which interface with Department program evaluation instruments and methodologies. Agencies must develop evaluation methodologies that address the issue of the effective and efficient use of program resources (quality assurance, utilization review, professional services review organization (PSRO)). The agency must also provide documentation of the implementation of these evaluation methodologies and demonstrate how the information gained through the evaluation efforts is used in the planning process. The Department will review and provide consultation in this evaluation effort.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART B: OPERATIONAL PROCEDURES

Section 103.90 General provisions--Fiscal requirements

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- a) Agencies ---should ---maximize ---non-Departmental ---funding ---for Department-funded programs---Sources include recipient fees, local tax-revenues, voluntary funds, United Way funds, reimbursements by third parties, funds available from other state agencies or federal sources, revenue sharing funds, development or expansion of food support and support from local public health departments.

Agencies shall not be limited or restrained in the pursuit of other contracts or funding.

- b) Agencies and Department staff are to negotiate shall formalize projected levels of expense and Department grant support for each Department-funded program which is to be formalized through an approved Agency Plan. Department grant funds in excess of actual allowable-reimbursable expenses by program for the award period cannot be claimed. Any Department grant received by the agency in excess of actual allowable-reimbursable expenses, by program, is subject to recapture under the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985-1991, ch. 127, pars. 2301 et seq.). A number of factors enter into the grant negotiation process, including, but not limited to:

- 1) A review of program expenses for the budget year as well as the past year;
- 2) Whether the agency provided the level of services budgeted for in prior years;
- 3) Number of clients to be served;
- 4) Type of client to be served (disability, severity, etc.);
- 5) Cost per unit of service;
- 6) Other funding sources (other state agencies, local government units, third-party payors, client fees, etc.);
- 7) Services proposed to be funded versus those outlined in the Department's Annual Plan;
- 8) Current financial status of the agency;
- 9) Ability of the agency to meet its own established goals;
- 10) Impact of any audit findings on the agency's operation;

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- ii) Cost of living variances.

- c) An agency is encouraged to submit a balanced budget. The Department will accept an agency plan indicating expected deficits with appropriate explanations. An agency with a sufficient fund balance and sufficient working capital in its operating fund can reasonably expect to cover such deficits in the short run by using reserve funds (i.e., reducing its fund balance). The Department will not approve an agency plan indicating deficits for programs and/or for the agency as a whole without a written explanation of the agency's governing body-approved plan.

- e)d) All agencies with Medicaid-eligible/certified programs or components of programs (i.e., physician services) must submit Medicaid billings in compliance with Part 140 of the Department of Public Aid's rules at 89 Ill. Adm. Code 140 (Medical Payment), Part 106, Services--Charges--of--the Department's of--Mental--Health--and Developmental--Disabilities--rules at 89 Ill. Adm. Code 106 (Services Charges)), Sections 5-105--5-117 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985, ch. 91, pars. 5-105 -- 5-117, and Title 42, Chapter 4, Subchapter C, Medical Assistance Programs (42 CFR 430 - 489, 1982)1989).

- d) Hospital-based clinics shall submit a statement of their approved outpatient clinic rates used for third parties, such as Medicaid, Blue Cross, and other insurance carriers.

- e) Fees for services may be established as cost based, as usual and customary fees for service, or as competitive fees based on the local marketplace fees for service.

- e) Funds received by a program for provision of specific services through any fee for services resource for individual recipients must be utilized in the programs in the current or immediately subsequent years for that program to qualify for a Department grant. Such funds, which are to be used in the subsequent year, are to be indicated in all subsequent revenue/expense reports to the Department for the year in which they are received and in the Agency Plan for the subsequent year.

- f) Fees for services earned in the current fiscal year must be used in the program(s) which provided the related services. Any such fees which were not used during the year in which earned shall be carried over to the next fiscal year and to succeeding fiscal years until fully used and may be used to support services in any Department-funded program. The intended carryover of such fees

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shall be indicated in all subsequent Agency Plans and Audit Reports submitted to the Department until such fees have been fully used.

An agency which assesses fees to individuals for services shall maintain a written policy for billing and collection of fees. A system for billing individuals, with appropriate discounts based on the ability of the individual or the individual's responsible relative to pay, is required. The system shall also provide a record of charges and a method of collecting third party payments. With regard to sheltered workshops, fees can be applied only to the service aspects of the programs.

f)g) Agencies must maintain a schedule of costs for each service. As the agency assesses recipient fees, a cost-based fee schedule must be used. The maximum fee billed for a service may not exceed the cost of providing the service.

No agency shall require an individual or family member to make cash or in-kind contributions, or to provide unpaid services to the agency, beyond the fee schedule specified in subsections (e) and (f). No agency shall suggest, imply, or give reason to believe that access to initial or continued services is contingent on, or in anyway related to, voluntary contributions by an individual or family member.

g)h) Each agency which bills recipients for services must maintain a written policy which establishes the agency practices for billing and collection of fees. A system for billing recipients at established costs with appropriate discounts based on the ability of the recipient or the recipient's responsible relative to pay, is required. The system must also provide a record of charges and a method of collecting third party payments. With regard to sheltered workshops, fees can be applied only to the service aspects of the program.

Provision of service in Department-funded programs shall not be denied on the basis of the individual's inability or ability to pay.

h) Service provision shall not be denied on the basis of the recipient's inability or ability to pay.

i) An agency is permitted to establish and maintain reserve funds. However, the establishment of or addition to a reserve fund is not permitted from grant funds.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.95 Grant negotiation process

A number of factors enter into the grant negotiation process, including, but not limited to:

- a) A review of program expenses for the budget year and the past year;
- b) Whether the agency provided the level of services budgeted for in prior years;

c) Number of individuals to be served;

d) Characteristics of individuals to be served (such as, disability or severity);

e) Cost per unit of service;

f) Other funding sources (such as, other state agencies, local governmental units, third party payors or individual fees);

g) Services proposed to be funded versus those outlined in the Department's annual plan;

h) The agency's current financial status;

i) The agency's ability to meet its own established goals;

j) Impact of recent Department audit findings or independent audit report conditions on the agency's operation;

k) Maintenance of effort needs; and

l) Performance indicators.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.100 General provisions--Accounting requirements

a) Each agency is to shall establish and maintain an format-modified accrual accounting system in accordance with generally accepted accounting principles (GAAP). to include a level-of-documentation, classification of entries, and audit trails, to meet reporting requirements as prescribed by the Department in this Part.

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- b) All accounting entries must be properly classified, adequately documented and supported by appropriate source documents, recorded in appropriate books of original entry (journals), and posted to general ledgers on a monthly basis.
- c) For programs funded by the Department, expenses are to be recorded by specific program. Expenses for all other programs may be booked in total. Expenses that cannot appropriately be charged to one or more specific programs may be allocated on some reasonable basis (e.g., administrative expenses on accumulated costs or number of staff, housekeeping or hours of service or square feet of area occupied, etc.) to the various benefiting programs, both Department-funded programs and to programs funded from other sources. It will be the agency's responsibility to document its program expense allocation methodology and rationale.
- d) The Department recognizes the need for agencies to establish separate special funds, e.g., capital expenditures and equipment purchases. Information about such funds must be made available to the Department. Each agency shall establish and maintain a separate capital fund to account for its fixed assets and related accounts. The following accounts are typically included in this fund:
- 1) Land, buildings and equipment (usually separate accounts for each);
 - 2) Cash reserved for replacement of fixed assets;
 - 3) Accumulated depreciation on buildings and equipment (usually two separate accounts);
 - 4) Payables related to land, buildings and/or equipment;
 - 5) Depreciation expense;
 - 6) Revenues earned by capital fund assets (e.g., interest) and/or externally restricted to the capital fund (e.g., donor-restricted grants or contributions);
 - 7) Fund balance; and
 - 8) Other related accounts as appropriate.
- e) Department region staff will be available for consultation and assistance upon request of the agency.

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- f) All fiscal records must be maintained for at least five years after the end of each budget period, the fiscal year to which they relate, and if need for them still remains, such as because of unresolved audit issues or for similar reasons, arising from an audit-related records must be retained until the matters are completely resolved. Agencies are encouraged to discuss record retention with their independent auditors prior to disposal of documents.
- g) All depreciation for purposes of filing a preparing Department budgets and reporting expenses shall be computed on the straight line method basis. The agency shall clearly identify in its depreciation schedule any capital assets acquired with Department grant funds.
- h) All funds that are received by an agency that are not restricted by the donor must be recorded in the operating fund. Transfers of unrestricted funds will be shown as transfers from the fund balance. All agency revenues not earned by capital fund assets or not restricted for capital purpose by the donors or grantors, shall be recorded in the appropriate fund using generally accepted accounting principles. All governing body-approved transfers of unrestricted funds shall be shown as fund balance transfers and recorded using generally accepted accounting principles.
- i) The Department may establish additional accounting requirements for specific grants or programs. Agencies receiving such grants or receiving funds for such programs shall comply with those special requirements.
- (Source: Amended at 16 Ill. Reg. _____, effective _____)
- Section 103.110 General provisions-- Allowable/non-allowable expenses
- a) Expenses Reimbursable expenses from Department grant funds
- All allowable reimbursable expenses that can be identified to a specific funded program(s) should be charged to that program(s) on a direct basis. Allowable reimbursable expenses not directly identified to a Department-funded program(s) must be allocated to all programs, both funded and unfunded, to be eligible for reimbursement from grant funds.
- 1) In general, expenses meeting all of the following criteria are reimbursable from Department grant funds if the expenses are:

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- A) Necessary and related to the provision of program services;
- B) Not specified in subsection (b) immediately following, as not reimbursable; and
- C) Not illegal.

2) To be eligible for reimbursement, all expenses that can be identified to a specific Department-funded program(s) shall be charged directly to that program(s). Expenses not directly identifiable to a Department-funded program(s) shall be allocated to all benefiting programs, both Department-funded and other programs, in accordance with Section 103.100(c).

b) Non-reimbursable---expenses---from---grant---funds---Expenses not reimbursable from Department grant funds (those typically not directly associated with program services)

To ensure that all agency and Department personnel involved with the development of grant budgets have a mutual understanding of agency expenditures that are not reimbursable from Department-awarded grant funds, a segregation of kinds of costs into categorical groupings has been made to highlight the costs that must be borne by funds other than Department grant funds. The limitations established herein are not to be construed as applying to non-Department funding sources of an agency.

- 1) Research---Research expenses are not allowable expenses from grant-in-aid funds.
- 2) Insurance benefits---The Department will allow the cost of accident and death insurance, life and disability insurance, and retirement plans as they apply to all eligible full-time employees of an agency. The Department will also allow such cost identified above for eligible part-time employees at a percentage rate equal to the average hours worked by the part-time employee per week divided by the number of normal work hours in the week. For example, if the average employee works 40 hours per week, a part-time employee who works 20 hours per week would be equal to 50 percent of the normal full-time equivalent position. The Department would allow 50 percent of the full-time equivalent insurance benefits for that position.

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3) Compensation for non-working agency officers---Disbursement of funds or other assets to an agency officer who has not performed in a work capacity are not allowable expenses. (This does not preclude transportation and other travel expenses related to attending agency board meetings and other agency-related business from being reimbursed.)

4) Entertainment---The expense of non-recipient entertainment is not reimbursable from grant funds.

5) Buses and costs of attending professional meetings---All forms of individual or agency association dues or costs of attending professional meetings are not reimbursable expenses from grant funds. Examples of professional meetings are annual meetings on business matters, association meetings and conventions. Attendance by staff as part of inservice training at workshops and seminars including meetings during which workshops are part of the agenda is reimbursable.

6) Transportation---Transportation expenses to be reimbursable from grant funds must be either directly related to the provision of services for the recipient or integral to the operation of the program; provided they are not reimbursed from some other source. The expense of agency-owned automotive equipment by staff for personal business or non-work related transportation is not reimbursable from grant funds.

7) Fund-raising and promotional expense---Fund-raising and/or promotional activities are not allowable expenses from grant funds.

8) Bad debts---Bad debts are a deduction from the applicable income account rather than a reimbursable expense item from grant funds. Using this accounting procedure, neither the income nor expense of the agency is overstated and duplicate funding of expenses is eliminated.

9) Charity, grants and professional discounts---Charity, grants and professional discounts are not reimbursable expense items from grant funds. Charity is defined as the donation of cash or in-kind services to other organizations and persons external to the program activities approved by the Department. Grants are defined as awards to organizations, programs and/or persons external to the program activities of the agency. Awards to persons are to be differentiated

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from--educational---support--of---employees--which--is--an
allowable-cost-as-in-service-training--expenses---Professionals
discounts--are-defined-as-reductions-in-fee-assessments-to
individuals/families--because-of-professional-status-(e.g.,
doctor, educator).

10) Non-recipient---meals-----Non-recipient---meals---are---not
reimbursable-expenses-from-grant-funds. Non-recipient-meals
are-defined-as-meals-consumed-by-parents, guests-and-staff
when---staff---attendance---with---the---recipient---is---not
programmatically-mandatory.

11) Interest-income---Interest-income-from-investments-made-from
excess-operating-funds-must-be-offset-against-allowable
interest-expense-reimbursable-from-grant-funds.

12) Interest-expense---Interest-expense-paid-on-borrowed-funds
which-are-required-to-provide-program-services-to-recipients,
or---reasonably-related-to-to-recipient-services,--is--a
reimbursable-expense-from-grant-funds. The-following-items-of
interest-expense-are-not-reimbursable-by-grant-funds:

A) Funds-borrowed-for-investment-purposes;

B) Funds-borrowed-to-create-working-capital-in-excess-of
two-months'-operating-costs;

C) Funds-borrowed-for-the-personal-benefit-of-employees;
officers, boards-of-directors, members, or owner-of-the
agency;

D) Funds-borrowed-without-a-prior-time-limited-written
agreement-with-the-Department-for-the-purchase-of-land,
buildings, and/or equipment-for-future-expansion, until
such-items-are-actively-used-in-program-activity;

E) Interest-in-excess-of-the-prime-interest-by-the-agency
to-persons-or-organizations-who-are-related-to-the
provider--through-control, ownership, --or--family
relations.

13) Intra-agency-fund-loan-interest-charges---Interest-charges
made--for--intra-agency--loans--between--funds--are--not--a
reimbursable-expense-from-grant-funds. An-agency-is-defined
as--an-organizational-entity-with-a-single-federal-employer's
identification-Number.

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14) Rentals

A) Rental-income---Any-rental-income-received-by-the
agency-must-be-used-to-reduce-the-reimbursable-expense
by-grant-funds-for-the-item-rented-provided-the-expense
item-is-allowable.

B) Rental-costs-of-buildings-and-equipment---Rental-costs
for-buildings-and-equipment-which-are-reasonable-in
relation-to-the-local-market-for-these-items-and-which
are-necessary-to-provide-program-services-to-recipients
or---reasonably-related-to---recipient---care---are
reimbursable-expenses.

15) Loans-and-lease-agreements

A) Payment-of--loan-principal---The-repayment-of--the
principal-amount-of-any-loan-is-not-a-reimbursable
expense-from-grant-funds---(Example:--if-an-agency
borrowed--\$10,000.00--for--operating--expenses,--the
repayment-of-the-\$10,000.00-principal-amount-is-not-a
reimbursable-expense, but-the-expenses-paid-with-the
principal-may-be-reimbursable.)

B) Lease-agreements---Lease-agreements--for--items--of
equipment-as-well-as-buildings-are-reimbursable-from
grant-funds-on-an-allocation-basis-to-the-funded-and
unfunded-programs. Also, if-the-agreement-covers-the
servicing-of-the-items-and/or-supplies-used-in-its
operation-whether-as-a-separate-amount(s)-or-a-combined
amount, these-expenses-are-reimbursable-on-the-same
basis-from-grant-funds.

16) Inventories---The-development-of-commodity-inventories-by-an
agency-is-not-reimbursable-from-grant-funds. Inventories-are
assets-rather-than-expenses-of-the-fiscal-year's-operations.
The-Department's-grant-program-is-to-fund, as-established-by
the-budget-and-most-recently-approved-Agency-plan, only
current-expenses-of-operations-and-not-the-development-of
current-or-fixed-assets. Usage-from-inventories-is-an-expense
and-is-reimbursable-from-grant-funds.

17) Sales-of-goods-or-services---In-general, any-expense-incurred
by-the-agency-for-the-sale-of-goods-or-services-is-not
reimbursable-from-grant-funds. For-funded-sheltered-workshops
or-work-activity-programs, the-expense-of-recipient-wages-and

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material acquisition is not reimbursable from grant funds when the product produced by the recipient is salable.

18) In-kind contributions -- The Department recognizes in-kind contributions, both as a source of income and as an expense of operations. Thus, the expense is paid by the source of income directly and the donation expense is not reimbursable from grant funds.

19) Data processing services -- The purchasing of data processing services -- that duplicates those available through the Department's -- Office of -- Information Services -- is not reimbursable from grant funds.

20) Duplicate funding -- When another source of funding is made available to the agency for specific items of expense or programs, the Department grant funds are not to be used as a duplicate funding source.

21) Unfunded programs -- Reimbursement of any expense for a program which has not been formally awarded a grant is not allowable.

22) Reserve funds -- An agency is permitted to establish and maintain reserve funds. However, the establishment of, or addition to, a reserve fund is not permitted from grant funds. The exception to this exclusion would be the funding of depreciation with grant funds which would permit the agency to add to the amount of depreciation funded to a Department Reserve for Depreciation Account.

c) Capital acquisitions and improvements

1) Capital expenditures for such items as buildings, leasehold improvements, and equipment may be reimbursable from grant funds.

2) A written request and/or proposal itemizing the planned purchase(s) and purpose(s) must be submitted to the region.

3) Written approval must be obtained from the region prior to the acquisition of these items.

4) Department approval will be formalized through the issuance of a grant agreement specifying conditions and stipulations for the use of grant funds in this manner.

5) The granting of funds for capital purchases is dependent on several factors:

A) The agency does not receive any funds from local sources which might be used for such expenses;

B) The requesting agency is just beginning operation and has no working capital to initiate a long-term capital loan;

C) The agency must agree that if the State pays for such capital items such items must continue to be used for the original purpose of the grant; any change in usage during the items' estimated useful life must have Departmental approval.

1) Research expenses (this does not include program evaluation expenses);

2) Compensation for members of the agency's governing body (this does not include reimbursement for travel or other agency-related business expenses incurred by these members);

3) Expenses related to entertainment of persons other than individuals;

4) Individual agency staff or agency association dues (dues for group purchasing relationships for the exclusive purpose of cost saving on purchases are allowable);

5) Costs of attending professional meetings (e.g., association meetings and conventions) (this does not include costs for staff attendance at inservice training seminars and workshops);

6) Fund-raising expenses;

7) Bad debts and professional discounts (these should be recognized as reductions of fees for services revenue, rather than as expenses);

8) Charity and grants (this does not include employee educational assistance costs);

9) The following types of interest expenses:

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- A) Interest on funds borrowed for investment purposes;
- B) Interest on funds borrowed to create working capital in excess of two months' operating expenses;
- C) Interest on funds borrowed for the personal benefit of any person(s);
- D) Interest on funds borrowed without a prior time-limited written agreement with the Department for the purchase of land, buildings and/or equipment for future expansion, until such assets are actively used in support of program services;
- E) Interest in excess of the current market rate paid to individuals or organizations in less than "arm's length" transactions;
- F) Interest charges on intra-agency fund loans (e.g., interest recorded in the capital fund on cash lent to the operating fund);
- G) Interest expense to the extent that interest income was realized by investment of excess operating funds (i.e., interest expense must first be offset against interest income, and any remaining interest expense is eligible for reimbursement from Department grant funds);

10) Development of commodity or equipment inventories (the usage of commodity inventories and the depreciation on fixed assets are expenses which are eligible for reimbursement from Department grant funds);

11) Depreciation on fixed assets acquired with Department grant funds;

12) Work programs' cost of production. When the product of a Department-funded work program is salable, the expenses of individuals' wages and fringe benefits and of material costs are not reimbursable from Department grant funds;

13) In-kind contributions (these expenses are directly offset by the related in-kind revenues);

14) Capital acquisitions, unless expressly permitted by the Department in writing (capital acquisitions include real

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- estate, buildings, improvements, and items of equipment with unit costs of \$500 or more);
- 15) Establishment of or addition to reserve funds;
- 16) Expenses which are specifically reimbursed by other grants or time and purpose restricted funding; and
- 17) Expenses of any program for which the agency has not been awarded a grant by the Department.

Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 103.120 General provisions-- Audits

a) Each agency is required to receiving a grant from the Department shall have an annual independent audit; as of the close of its fiscal year. This audit is to be performed in accordance with the generally accepted auditing standards (GAAS) appropriate for the agency, as promulgated by the American Institute of Certified Public Accountants and, for qualifying grantees or subgrantees of Federal financial assistance, with federal Office of Management and Budget (OMB) Circular A-133, Audits of Institutions of Higher Education and Other Nonprofit Institutions, or Circular A-128, Audits of State and Local Governments, as applicable. Such an audit shall be conducted by an independent certified public accountant (CPA) registered by the State of Illinois. The resultant audit report shall contain the applicable basic financial statements, including the balance sheet; statement of support, revenue, expenses and changes in fund balances; statement of functional expenses; and statement of cash flows. is to be prepared in accordance with the applicable American Institute of Certified Public Accountants (AICPA) industry audit guide (e.g., Audits of Voluntary Health and Welfare Organizations). The report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain the certified public accountant's CPA's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant's CPA expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefor must be stated. A report will not be accepted if the certified public accountant's CPA's opinion is qualified or denied because the agency placed an unnecessary limitation on the scope of the audit.)

- See Section 103.120

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- b) The audit report shall include the following supplementary financial information. shall be included in the audit reports for the twelve months ended June 30. For those agencies with a fiscal year which ends on a date close other than June 30, this the supplemental information is to shall be for the twelve 12 months ending on the previous June 30 preceding the close of their fiscal year.

1) Schedule of income-by-source-and-expenses by program

- A) This--schedule--is--to--be--developed--using--a--format prescribed--by--the--Department--This--schedule--must display--revenue--by--source--(using--the--classifications on--the--Agency--Plan);--Revenues--restricted--to--a--program or--earned--by--a--program--are--to--be--displayed--by--program.

This schedule shall include all expenses (direct and allocated) for the agency as a whole, for those programs as a group which were not funded by Department grants, and for each individual program which was funded by Department grants. At a minimum, such expenses shall be categorized as follows:

- i) Employees' salaries and wages;
- ii) Employees' fringe benefits;
- iii) Individuals' salaries, wages and fringe benefits;
- iv) Consultants;
- v) Consumable supplies;
- vi) Occupancy;
- vii) Local transportation;
- viii) Specific assistance to individuals;
- ix) Non-capitalized equipment;
- x) Lease/rent;
- xi) Depreciation;
- xii) Interest; and

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- xiii) Miscellaneous.

- B) In addition, costs of production (which include individuals' salaries, wages and fringe benefits, plus materials costs) should be shown as a notation for any vocational development or similar programs which produce a salable product.

- B)C) Individual sources of income shall not be combined. Examples--Funds received from several state or federal agencies shall not be combined into one classification, such as "State of Illinois" or "Federal Government". Expenses by category and in total shall agree with the agency's audited financial statements, unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.

- D) The CPA shall clearly state his or her position on this schedule and the responsibility assumed, if any. The CPA may extend his or her opinion on the basic financial statements to include this supplemental schedule, or may express a separate opinion on this schedule, or may state that he or she assumes no responsibility and does not express an opinion thereon.

2) Schedule of operating expenses--revenue by source and by program--operating fund

- A) In Department instructions and forms, the term "operating fund" is all inclusive of funds an agency may have in its accounting records except those in a capital fund(s).
- B) The certified public accountant should develop the expenses by program statement using the operating expense categories as pre-printed on the Agency Plan. The statement is to include funded and unfunded programs with the funded programs to be identified by the Department's program title and number. The statement is to include the allocation of administrative expenses to the various programs.
- C) The certified public accountant should clearly establish a position regarding the supplementary financial information presented in the schedules of

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income by source and expenses by program -- operating fund. This can be done either by extending the overall opinion on the basic financial statements or by a supplementary opinion. If the certified public accountant determines that the additional procedures necessary to permit a supplementary opinion on the supplementary financial information would materially increase the audit time, the certified public accountant may, alternatively, state the source of the information and the extent of the examination and responsibility assumed, if any.

B) The supplementary schedules are always to agree with or be reconciled to, the audited financial statements unless an agency's fiscal year ends on a date other than June 30.

A) This schedule shall be in the same format as the revenue section for the Department's agency plan for the operating fund projected revenue and expense. It shall include all revenue in a total column, and to show program earnings and restricted revenues by Department-funded programs. Unrestricted revenues need not be allocated to programs.

B) Revenues by source and in total shall agree with revenue in the audited financial statements, unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.

C) The same requirement stated in subsection (b)(1)(C) shall be applicable to this schedule.

3) The certified public accountant should communicate in written form material weakness in the agency's internal controls when it impacts on the Department's funding. Copies of these communications are to be forwarded to the Department with the audit report. Audit report filing requirements

A) The independent audit report, including the report on internal controls, when applicable, and any special reports and/or financial statements required by federal OMB Circulars A-128 or A-133 for qualifying recipients or subrecipients of federal funds, shall be submitted within 120 days of the end of the agency's fiscal year.

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Four copies of any reports prepared in accordance with federal OMB Circulars A-128 or A-133, and two copies of all other documents herein required shall be filed with the Department's Office of Internal Audits.

B) A request for an extension of time to file an independent audit report shall be submitted to the Department's Chief Auditor in writing. Such a request shall include justification. The Chief Auditor shall respond in writing to each such request within 14 days of its receipt by the Department's Office of Internal Audits.

C) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Associate Director for the Division of Administrative Services. Such requests shall be approved only when convincingly justified. The Associate Director for the Division of Administrative Services shall respond in writing to each such request within 14 days of its receipt by the Division of Administrative Services.

D) Failure to meet these audit requirements shall result in the suspension of funding.

Audit report

A) The audit report is to be filed with the Department within 120 days of the end of an agency's fiscal year. Two copies are to be filed with the applicable regional administrator or designee, and two copies are to be filed directly with the Department's Office of Internal Audits.

B) In order to facilitate meeting filing requirements, agencies are encouraged to contract with certified public accountants before the end of the fiscal year.

E) A request for an extension of time to file an audit report must be submitted in writing and requires prior written approval of the Department's Chief Auditor. A request for an exception to these audit requirements due to unusual circumstances must be submitted in writing and require prior written approval of the Department's Office of Management and Budget. Requests

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are--to--be--directed--in--writing--to--the--regional administrator or designee. Such requests will only be approved when they result from circumstances beyond the control of both the agency and its certified public accountant or when approval would be clearly to the benefit of the State. Extension of time to file will not be given beyond 60 days because of the lack of information on a specific matter, such as a contingent liability or retirement plan reserve. Under such circumstances, reports should be filed with appropriate opinions and revised reports filed when issued.

B) Personnel and consultant summaries are to be filed along with the audit reports on forms prescribed by the Department.

E) Failure to meet these audit requirements will result in the suspension of funding.

5) In addition to audits by certified public accountants, compliance audits of selected grantees will be performed by, or for, the Department's Office of Internal Audits. Such audits will be performed in accordance with the Department's Policy and Procedures Directive 01-03-03-02, "Audit--Grant-in-Aid-Agencies", effective February 19, 1985, which details procedures for Department audits and the processing of reports resulting from them.

c) Confirmation of Department payments made to an agency required by the certified public accountant during the course of the audit are to be secured from the applicable region officer.

c) Requests by agencies' CPAs for confirmation of payments made by the Department shall be directed to the Department.

d) In addition to the required annual independent audits conducted by CPAs, audits of agencies shall be conducted on site by the Department's Office of Internal Audits as described in the subsections (1) - (6) below.

1) The Department's Chief Auditor shall make all necessary audit arrangements.

2) Assignments for compliance audits and operational reviews shall be based on:

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A) Department-approved audit plan to provide ongoing audit coverage of grantee agencies;

B) A random sampling of agencies with certain characteristics, such as those receiving grants in excess of specified amounts or those participating in new programs;

C) Requests by Department management for targeted reviews, reasonably based on suspected fiscal problems or deficiencies. The reasons for suspected fiscal problems or deficiencies shall be detailed in writing to the agency.

D) Requests by agency management for special audits or targeted reviews.

3) Scope of audits

A) The audits shall involve verification of compliance with any or all conditions of the grant agreement.

B) The audits may also involve a review of any aspect of the agency's operation which might affect its ability to perform in accordance with the grant agreement including, but not limited to, the agency's general financial condition and its internal administrative and accounting controls.

4) Explanation of audit findings

A) The Chief Auditor shall arrange for an explanatory meeting with the agency after conclusion of the audit at a mutually agreed-on date. The purpose of this meeting shall be to deliver the audit report draft to the agency, to explain its development and format, to present and explain the audit findings and recommendations, and to attempt to reach agreement on the accuracy of the proposed audit findings. At this meeting a date shall be set for the agency to submit a preliminary written response to the audit report, no more than 30 days following the explanatory meeting, and a second date set for an exit conference to be held, no more than 45 days following the explanatory meeting.

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B) If the agency determines that an exit conference is unnecessary, it shall communicate this in writing to the Chief Auditor at least 10 days prior to the scheduled exit conference date; otherwise, the exit conference shall be held. The purposes of this exit conference are:

i) For the agency to disclose to the auditors any possible errors or incorrect conclusions in the audit report draft. The agency shall bring to this conference any documentation that will assist in substantiating its contention of inaccuracies in the report draft.

ii) To serve as the informal hearing required by Section 7 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2307)

C) If an exit conference is held and results in material changes, the Chief Auditor shall incorporate any such changes into the audit report draft and within 20 days of the exit conference, shall send a revised audit report draft to the agency. The agency shall, within 30 days after the date of the transmittal letter, deliver its final written response to the revised audit report draft for inclusion in the final audit report. If the agency wishes to have its preliminary response, as provided for in subsection (d)(4)(A) above, used as its final response, it shall send a letter to the Chief Auditor so stating within 30 days after the date of the transmittal letter. If the agency's final response is not received by the Chief Auditor within 30 days, he or she shall recommend to the Director that the agency's grant be suspended in accordance with Section 103.190(c)(3).

D) After incorporating the agency's response, and not later than 20 days after receipt of it, the Chief Auditor shall issue the final audit report to the provider, and send copies to the head of the agency's governing body and to Department managers.

5) Resolution of final audit reports

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The Chief Auditor shall determine if the agency's response to the final audit report is acceptable on all matters except for the recovery of grant funds.

A) The Chief Auditor shall include his or her comments relating to the facts as stated in the agency's response, if appropriate.

B) Any recipient of the final audit report who wishes to comment on the audit findings and agency responses shall communicate those comments to the Chief Auditor within 30 days after the date of the letter transmitting the final audit report.

C) Within 45 days after the date of the letter transmitting the final audit report, the Chief Auditor shall advise the agency of the Department's position on the audit findings, recommendations and agency responses, sending copies to all recipients of the final audit report.

D) Approximately 180 days after the date of the agency's letter of response to the final audit report, as provided for in subsection (d)(4)(C), the Office of Internal Audits shall contact the agency and make arrangements to revisit the agency to review the implementation status of the audit recommendations. The results of this review shall be communicated in writing to all recipients of the final audit report.

6) Recovery of grant funds

If there is evidence in support of the apparent need for recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act, the Chief Auditor shall include that finding as Finding A in the final audit report, preceding any procedural findings and recommendations. Such a finding shall be adequately explained to permit the agency and Department management to understand its development and the facts which led to the conclusion that there may have been an overpayment of grant funds.

A) The Associate Director for the Division of Administrative Services shall, within 35 days after the date of the Chief Auditor's position letter provided in subsection (d)(5)(C), send the agency's chief executive

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officer a notice of the intended recovery, with copies to all recipients of the final audit report.

B) If the agency disagrees with the finding of apparent overpayment and the notice of intended recovery, it shall send a request for a hearing to the Associate Director for the Division of Administrative Services within 35 days after the date of the notice of recovery provided for in subsection (A) immediately above. If the Associate Director for the Division of Administrative Services does not receive a hearing request within the specified time limit, he or she shall proceed to recover the funds.

C) If the agency requests a hearing, such hearing shall be conducted within 45 days after the date of the request letter, in accordance with Section 8 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2308). Request for a hearing shall stay further recovery efforts.

Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 103.130 General provisions--Departmental review and hearing processes

In order to assure that community-agencies service providers have input and recourse to fiscal and programmatic decisions which directly affect them, two distinct--but--related a Departmental review and hearing processes is established and is--are available to each Department-funded community-agency:

- a) Grant award re-evaluation process---annual-award
- 1) Issues-related-to-the-annual-grant-award-as-determined-by-the regional-office-may--be--re-evaluated--through--the--grant re-evaluation-process. The first level in this process is the regional-administrative-review---The community-agency-is responsible for initiating a written request to the regional administrator for the review. The request should indicate the basis for the review---The regional office is responsible for reviewing the material--and--scheduling--an--administrative review with the community-agency within 45 days of receipt of the request from the community-agency---The community-agency is to be notified in writing of the outcome within 15 days of the Department's review of the agency. An agency may request a review of the following decisions of the Department concerning an award of funds:

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A) Differences or changes in the elements considered in the funding negotiations with the Department as specified in Section 103.90; or

B) Decisions which countermand previous commitments made to the agency.

2) If an issue is not resolved at the regional administrative review, the community-agency may initiate the second level of the grant re-evaluation process by requesting a central office hearing. Hearings will be conducted by a central office committee chaired by the Office of Operations Support and Analysis, which shall include two community representatives appointed by the Director. Requests must be in writing directed to the Administrator, Office of Operations Support and Analysis and delineate the issues by its board of directors. A copy of the hearing request will be sent to the regional administrator. The request shall be submitted in writing to the associate director of the appropriate program division within 45 days after the date of an executed or amended grant agreement and shall include the basis for the request.

3) The Office of Operations Support and Analysis has responsibility for conducting central office hearings and will grant hearings only on issues that challenge the integrity of the budget-building process. Reviewable issues shall consist of the following: Program division staff shall review the request and may request the agency to submit additional material. The program division staff shall render a written decision within 45 days after the date of the receipt of the request or of the additional material. The decision shall be mailed to the agency within 15 days after the completion of the review.

- A) Decisions made without regard for established funding priorities;
- B) Decisions which countermand previous commitments developed in good faith with the community-agency;
- C) Belterate decreases in funding based solely on increases from local sources; and
- D) Decisions made without the support of written or historically accepted procedural policy.

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4) Program division staff may meet with the agency representatives for purposes of clarifying issues, seeking additional information, or attempting to resolve the matter.

b) Grant issue resolution process---for adjustment during the year

1) Issues other than those directly related to the annual grant award process and not an exception to Part 103 are to be resolved within the existing region/central office structure of the Department.

2) An agency may request a review related to a specific issue once an impasse has been reached in its negotiations with that level of the Department to which it relates on a regular basis.

3) The region will study the materials submitted for review and as needed, schedule a review hearing within 45 days of receipt of the request of the community agency. The written results of the region review or the region review hearing will be conveyed to the agency within 15 days of the hearing.

4) If the region and the agency are unable to resolve the issue, the agency may submit a written request to the Director for his review. The agency must send a copy of this request to the region. The Director will not act on a review request unless the regional review process previously described has been exhausted.

b) Grant award hearing process

1) Agencies may submit a written request to the Department for a formal hearing only when resolution of the issues specified in subsection (a) above is not in accordance with this Part.

2) A hearing may be requested by an agency not later than 30 days after the postmark date of the letter from the Department's program divisions informing the agency of the outcome of the review. The written request for a formal hearing must state specifically how the outcome was not in accordance with this Part.

3) Notice of hearing proceedings shall be in accordance with Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25).

4) The hearing shall be conducted by a Department hearing committee, appointed by the Director, and composed of an agency representative selected from a roster of agency executive directors and who is not objectionable to the appealing agency, the associate director for the applicable program division or his or her designee(s) and the Associate Director of Administrative Services or his or her designee, who shall chair the committee.

A) At the hearing, Department staff shall present written and oral evidence concerning the Department's decision. The agency may then present written or oral evidence.

B) The Department shall have the burden of proving that its decision was made in accordance with this Part.

C) The hearing officer shall uphold the Department's decision if he or she finds that the decision was supported by substantial evidence. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion.

5) The hearing shall be held not later than 45 days after receipt of the agency's request.

6) The finding(s) and decision of the hearing committee shall be made not later than 10 working days following the conclusion of the hearing proceedings and shall be sent to the agency via certified mail.

c) Director's review

1) If the agency is not satisfied with the committee's decision, it may request a review of the decision by the Director or his or her designee. Such request shall be made in writing to the Director within 20 days after receipt of the decision.

2) After receiving the request for review, the Director or his or her designee shall review the committee's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Director or his or her designee shall issue a written decision upholding, revising or modifying the committee's decision. Copies of the decision shall be sent to the Department and the agency.

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- 3) The Director's or his or her designee's decision shall constitute a final administrative decision, which is appealable in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.).

d) Grant issue resolution process - for adjustments during the year.

- 1) Issues other than those directly related to the annual grant award process and not an exception to this Part are to be resolved within the Department's existing program division structure.

- 2) An agency may request a review related to a specific issue once an impasse has been reached in its negotiations with that program division level of the Department to which it relates on a regular basis.

- 3) If the program division and the agency are unable to resolve the issue, the agency may submit a written request to the Director for review. The agency shall send a copy of this request to the relevant program division. The Director shall not act on a review request unless the program division review process previously described has been exhausted.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.140 Budget application (Repealed)

- a) In order for the agencies to have an opportunity to participate in the Departmental budget-building process, a budget application process has been established. Since the agencies can most accurately project their own future financial needs, they are required to submit a budget application which provides the detailed budget justification required by the Department. These budget applications will include the following:

- 1) Current year service levels and costs;
- 2) Projected changes in current year service levels and costs along with justification for such changes;
- 3) Total projected service levels and costs for the budget year;
- b) All agencies are required to complete these data on forms prescribed by the Department in order to facilitate development and presentation of the annual community services budgets. The

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collection of these data will be compatible with the format of the Agency Plan.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 103.150 Agency Pplan

- a) The agency shall submit an agency continuation application prior to the beginning of the fiscal year. The purpose of the continuation application is to provide documentation of service and service contracting in order to permit continuation of grant payment into the new fiscal year. A complete agency plan shall be submitted after the beginning of the fiscal year.

- b) All agencies are required to submit their data on forms prescribed by the Department.

- c) Hereafter, in this Section and other Sections of this Part, "Agency Pplan" will refer to the currently approved program service and funding plan, operating fund projected expense forms and related forms.

- b)d) The Agency Pplan when fully executed as part of the Grant Agreement, serves as the formal statement of mutual expectations between the Department and the agency regarding contracted realistically achievable levels of service, and costs and funding levels. The Agency Pplan is a combination service plan and budget. It identifies what services will be provided, to what target group and the geographical area to be served. In addition, it identifies how the services will be financed, and through what budget items and funding sources. It becomes formalized documentation of the agreement between the Department and the agency through mutual execution of the Grant Agreement.

- c) Forms prescribed for use as the Agency Plan are designed to be consistent with the cost reporting categories contained in the State of Illinois Interagency Statistical and Financial Report. These Agency Plans manifest the commitment of the Department to utilize common cost reporting categories in materials submitted by community-based service providers.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.160 Grant Agreement and addenda

- a) Definition

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The Grant Agreement is the obligating instrument which provides the basis for Departmental financial participation in programs operated by the agency. The Agency Plan and Grant Agreement when fully executed formalize the contractual relationship between the Department and each agency, indicating the amount of Department funds which will be paid to the agency in consideration for the provision of services as described in the Agency Plan.

b)a) Execution Preparation responsibilities

Regions within the Department is be responsible for preparing the Grant Agreement, and designating the appropriate addenda, and the region will forwarding it the Agreement to the agency. The agency must shall sign the Grant Agreement and return it to the region Department. The Department Agent's signature will shall be affixed by the region thereby approving the Grant Agreement, and the region will distribute copies. An approved and executed copy shall be returned to the agency and the Central Office.

c)b) Addenda to Grant Agreement

Addenda, as referenced in the Grant Agreement (General Provisions, Section B, paragraph 2) when applicable, and as described below become part of the Grant Agreement.

1) Non-discrimination addendum

A) Grantee agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. 2000d, 1980) and all requirements imposed by or pursuant to the regulation of the U.S. Department of Health and Human Services, Education and Welfare (45 CFR 80, 1981 1988) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the regulation, no person in the United States shall, on the grounds of sex, race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the grantee receives federal or state financial assistance from the grantor. Grantee hereby gives assurance that it will immediately take any measures necessary to effectuate this Grant Agreement.

B) Grantee agrees to comply with Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. 2000e, 1981 1982) and

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not discriminate in the hiring or employment of staff on the basis of race, color, national origin, age, disability or sex.

C) Grantee agrees to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12113, 1990 and 47 U.S.C. 225 and 611, 1990) and all requirements imposed by or pursuant to the regulations of the U.S. Department of Health and Human Services issued pursuant to that statute, to the end that no otherwise qualified individual shall be discriminated against on the basis of handicap in the provision of services.

D) Grantee agrees to comply with the Drug-Free Workplace Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.311 et seq.) to the end that the unlawful manufacture, dispensing, possession or use of a controlled substance or alcohol in the workplace or while performing the duties of any agency employee is prohibited.

2) Mandated follow-up monitoring services addendum

A) The agency shall comply with the provisions Section 15 of "AN Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" Act (1991-Rev-Stat-1985; ch-91; par-100-15) and the Department's rules at Part-125, Recipient Discharge/Linkage/Aftercare (59 Ill. Adm. Code 125) (Recipient Discharge/Linkage/Aftercare) which requires mandatory follow-up monitoring services to individuals Department of Mental Health and Developmental Disabilities placed in licensed nursing homes, sheltered care homes and homes for the aged in accordance with the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111, par. 4151-101 et seq.), and the Department's rules contained in this Part-103.

B) The agency shall comply with the provisions of 59 Ill. Adm. Code 101.80 (Conflict of Interest) in relation to its activities with licensed long-term care facilities. In essence, no employee of the agency may shall serve as an employee or consultant either paid or unpaid to any licensed facility in the State of Illinois. Additionally, the agency itself may shall not be in a financial relationship with a licensed facility in such a way which results in, or appears to result in, a

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conflict of interest with its monitoring functions under the grant. This would shall include, at the very least, a situation where the agency is purchasing or receiving services from the same facility it monitors under this grant. The Director or regional administrator may issue approvals for exceptions which have been requested in writing to this subsection under circumstances including but not necessarily limited to those where the only developmental disabilities or mental health expertise available in a rural area is part of a current grant or of a governmental agency.

- C) The agency shall provide the following mandated services but not be limited to them:

The Department shall monitor the agency's performance of the mandated follow-up monitoring function and maintain final responsibility for the provision of this service if the grant agreement is violated.

- i) Staff providing follow-up monitoring services must visit each recipient of a group care facility for whom follow-up services are mandated at least once every week for the first month and once a month thereafter

- ii) During the course of this visit the staff responsible for follow-up monitoring services must review the social recreational and daily living aspects of the needs of the recipient both as defined in the individualized services plan and as modified by changes in the condition of the recipient since discharge A report of the number of recipients in each facility visited must be sent to the designated regional staff and a report of the findings and recommendations made pursuant to the visit kept in the agency's records These findings and recommendations shall be made available to Department monitoring staff upon request Form DHDPB-1009 is then completed to provide the information system with a record of the visit

- iii) The staff providing follow-up monitoring services must determine based on their assessment if the program and living situation are adequate and

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appropriate to meet the psychological and daily living needs of the recipient and whether additional mental health services are required

- iv) The staff responsible for follow-up monitoring services shall record their findings as to the facility's ability to meet the needs of former Department recipients placed in the facility A report of these findings shall be sent to designated regional staff of the Department of Mental Health and Developmental Disabilities Public Aid and Public Health when interagency action such as recipient transfer license revocation decertification or hold on placement is being considered This report should also contain any action already taken and note any recommendations for further action

- B) The Department shall monitor the agency's performance of the mandated follow-up monitoring function and maintain final responsibility for the provision of this service if the Grant Agreement is violated

3) Adjustments addendum

This addendum is used for corrections, a redistribution, a supplemental award or a reduction in award.

A) Definitions:

- i) Correction is adjustments made to correct information which has appeared in error on the original Grant Agreement or subsequent addenda (Example: Errors in unit code program code and program name fund code grant award agency total agency fund and code total)
- ii) Supplemental is for a program currently receiving grant funds a supplemental represents an increase to both the individual program award and the agency total For a new program a supplemental represents both the addition of an individual program award and an increase to the agency total

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- iii) Reduction---A reduction represents a decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.
- iv) Redistribution---A redistribution changes the distribution of the agency total award between two or more individual program awards. It involves an intra-agency transfer of funds, and, therefore, the increases to individual programs are always balanced by the decreases to other programs. The agency total does not change.

- v) Lapse---A notice of reduction in grant amount resulting from under expenditure in a Department-funded program.

B) Region responsibility

Prepare addendum for those agencies where the region has approved a correction--a redistribution, a supplemental award or a reduction in award or a lapse addendum.

- E) The agency responsibility -- Sign the addendum and return it to the region representative, if applicable.

- B) Region responsibility---Obtain Department--Agent's signature and distribute the original to the region, a copy to the agency, and a copy to the Department's Office of Management and Budget.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.165 Accreditation

- a) Providers demonstrating current accreditation status under either the Standards for Services for People with Developmental Disabilities (Council), Standards Manual for Organizations Serving People with Disabilities (CARE), Council on Accreditation of Services for Families and Children (COA), Consolidated Standards Manual (JCAHO), or the Accreditation Manual for Hospitals (JCAHO) may be deemed to be in compliance with Sections 103.25, 103.60 and 103.80.

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- b) Demonstration of current accreditation status shall be achieved by submission of a statement of accreditation by the agency to the Department as part of the submission of the agency plan.
- c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date following the change.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.170 Agency Plan compliance

- a) The Agency Plan including the Grant Agreement is a combination service plan and budget. It identifies what services will be provided, to what target group, and what geographic area will be served. In addition, it identifies how the services will be financed, through what budget items and funding sources. In summary, the Agency Plan does not contain idealistic service levels or costs; rather, it is a formal statement of mutual expectations in regarding realistically achievable levels of service and costs. It becomes formalized documentation of the agreement between the Department and the agency through the mutual execution of the Grant Agreement.

- b) The following principles and procedures in subsections paragraphs (d) (c) - (g) (e) below do not replace any of the Departmental accountability standards and procedures currently in effect; rather, they are intended to clarify responsibilities for assuring compliance with all Departmental policy as it relates to the Agency Plan.

c) Principles

- 1) All agencies are accountable for the performance levels specified in their Agency Plans. Variances between the Agency Plan and an agency's actual performance as reflected in reported to the extramural reporting system need to be reviewed by Department staff. Services shall be reported as event mode, day mode, residential mode services or other mutually negotiated measurements. need to be reviewed by region staff. An agency must be able to justify these variances to region staff, and region staff must be able to explain these variances to the Department. Variations to Department Central Office staff. The Central Office, in turn, is accountable to the executive and legislative branches of state and federal governments.

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A) A temporary variance is a difference between the Agency Pplan and actual performance that is caused by a short-lived event or circumstance that will not adversely impact a program's ability to perform as outlined in the Agency Pplan, except in the short term. Best estimates of the program's future financial and service activity would indicate the correctness of staying with the current Agency Pplan rather than changing it to meet the unusual and temporary circumstances. In other words, the causes of temporary variance are, by their nature, not sufficient reason to change the approved Agency Pplan.

B) A permanent variance is a difference between the Agency Pplan and actual performance that is caused by an event or circumstances that significantly alter expectations about the future financial or service activity in terms of a program's ability to perform as outlined in the approved Agency Pplan. The causes of a permanent variance are such that a new Agency Pplan will have to be negotiated between the agency and the Department.

2) It is the Department's responsibility of each region office to exercise a review function for all funded agencies in its area, assuring accountability for the service levels and costs established in all Agency Pplans. To effectively perform this role, all statistical and financial variances from Agency Pplans shall be reviewed semiannually (at a minimum). In addition, the Department may schedule site visits to agencies as part of this review process.

e)d) Identifying statistical variances

1) As an administrative guide in conducting reviews, Department staff will focus on the following measures which are based on service projections included in the Agency Pplan. These measures indicate the total units of service delivered by a program:

A) Event-mode programs-(programs-reporting-via-the-BMHDB-1099-forms)Either direct service staff hours, direct service individual (client) hours or total program participant hours, or as appropriate, total individual days of service.

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i) Direct-service-staff-hours,-and
ii) Total-recipient-contacts-

B) Day-mode programs-(programs-reporting-via-the-BMHDB-1099-form)-Total-recipient-days-of-service-

B)6) For all programs with a variance in one of the above measures, written explanations are required if the variance exceeds plus or minus 15%. For any variance identified in this manner, documentation is required at least semiannually. (Explanations, however, must address the variance for each month within the period.)

2) Variances requiring documentation

A) Those statistical variances which require documentation for Central-Office review are identified in reports generated from the Department's extramural-reporting system. Variances will be determined according to the service modality of the program-and-according-to-a "workload"-concept-of-reviewing-total-units-of-service.

B) If-the-program-is-an-event-mode-program,-direct-service staff-hours-and-total-recipient-contacts-will-be-used to-compute-the-variances-

i) Direct-service-staff-hours-includes-all-staff time-reported-on-the-BMHDB-1099-system-to-registered-recipient,-non-registered-recipient,-collaterals,-and-the-community-

Agency-note--These-services-will-be-compared-with the-Agency-plan-projection-for-direct-service staff-hours-

ii) Total-recipient-contacts-include-the-number-of recipient-events-provided-to-registered-recipient,-non-registered-recipient,-and-collaterals-

Agency-note--These-services-will-be-compared-with-a "composite"-statistic-which-combines-into-a-single measure,-the-Agency-plan-projections-for-recipients served,-average-contacts,-and-total-contacts--to-unregistered-recipients-

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- 2) The analysis of financial and statistical variances is not, in itself an exercise in quality assessment. Variances are principally quantitative measures which should be used as an administrative guide in reviewing program performance.
- 3) The delivery of human services is not always predictably quantifiable in precise terms; variances, therefore, are not always meaningful measures. In many situations, however, variances are important statistical indicators of management or programmatic issues, and they should be reviewed on this basis.
- 4) All variances must be reviewed; region staff are required to document the reasons for all variances in excess of plus or minus 15%. While the region may choose to delegate this task to community agency staff, the region staff are ultimately responsible for the documentation. All variances of 15% in contracted units of service (direct service staff hours, direct service individual (client) hours, and days of care) shall be reviewed. Documentation shall be provided to the Department by the agency identifying the variance, the reason for the variance and action which the agency shall take to correct the variance.
- 5) The variance levels described in paragraph subsection (b)(4) above are not intended to define an acceptable level of service but serve only as a "management flag" identifying the point beyond which formal documentation is required for Department Central Office review. When region staff deem it appropriate, it may be necessary to document variances of less than plus or minus 15%.
- 6) In applying these principles, it is recognized that region staff must exercise judgment. It is therefore important for the mutual expectations between the Department and a grantee agency to be clearly established and for discussions regarding these expectations to be ongoing.

d)c) Procedures for Department regional review

- 1) During the grant year, events take place occur that may result in variations between the Agency Plan and the agency's actual performance, either statistically or financially. These variances in performance may be either temporary or permanent, in nature.

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- e) If the program is a day mode program, total recipient days of service will be used to compute the variance. Total recipient days of service are taken from BMHDB-1077 records, either those submitted from the agency or those generated from detoxication openings.
Agency notes: These services will be compared with a "composite" statistic which combines, into a single measure, the Agency Plan--service--projections--for recipients served and average days of attendance per recipient.
- f) Region staff are required at a minimum to document variances in the "workload" measures identified above. Staff should also review each of the four service statistics individually specified in the Agency Plan (recipients served, average contacts, total direct service hours, total contacts to unregistered recipients). Documentation of the variances for the measures is not required (except for total direct service hours as indicated above).
- f) Identifying financial variances
All variances between program expenses (as reported in the periodic operating fund revenue/expenditure report) and those as established in the Agency Plan must be reviewed by region staff.
1) Department funds--Variances in Department grant funds shall be reconciled periodically in accordance with the provisions of the Grant Agreement and current Departmental operational policies and procedures.
2) Program expenses--Region staff shall review, on a program basis, all variances between actual total program expenses and projected total program expenses for the period.
g) Documenting variances--To allow each region the maximum flexibility in adapting these compliance procedures to its administrative style of operation, no standard documentation format or detailed review procedures are prescribed.
1) Documentation format
A) All regions must file a copy of the regional documentation format used for variance explanations with the

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Department's office of Management and Budget. This documentation format, at a minimum, must answer the following questions:

- i) What is the variance and why does it exist?
 - ii) Is the variance temporary or permanent?
 - iii) Are corrective steps necessary? (if so, indicate.)
- B) Although explanations must address all three questions, answers should be as succinct as possible.

2) Within the framework of these compliance procedures, regions may apply higher standards or review additional measures concerning programming performance.

3) Resolution of variance issues --- Region staff are responsible for determining whether a variance is temporary or permanent. Explanations of all documented variances shall be retained at the region office with copies sent to the individual agencies affected. Central Office staff will meet with regional staff at least quarterly to review these issues.

A) Temporary variances --- Even though a temporary variance is not expected to adversely impact the program's ability to perform as outlined in the approved Agency Plan, it is a departure from what was agreed upon. As such, the variance must be evaluated by the responsible region staff in the ongoing review of agency performance. The evaluation will result in specific action by the Department and/or the agency depending upon the responsible region staff's assessment of the impact of the variance on the program's compliance with the Agency Plan.

B) Permanent variances --- All permanent variances require the immediate renegotiation of the Agency Plan; revisions must be made to those sections of the Agency Plan affected by these variances.

C) Statistical variances --- In addition to a redetermination of service commitments, the renegotiation of an Agency Plan requires a re-evaluation of the level of Department financial participation in the program. In

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all cases when a permanent variance has been established by region staff, the burden of proof is on the agency affected to justify continuation of its present funding level. When the agency cannot demonstrate such justification, the grant award may be adjusted accordingly.

B) Financial variances --- If the agreed upon level for other funds permanently changes during the fiscal year, in relation to the program's total expenses, a renegotiation of the Agency Plan must occur. This renegotiation must begin within 30 days after the variance has been identified.

E) Programmatic/managerial variances --- Given a situation in which a program is found to be in statistical or financial variance, progress toward programmatic and managerial objectives may have an important bearing on the region staff's determinations as to whether the variance is temporary or permanent. If the variance is judged to be permanent, a revised Agency Plan will be required.

4) Audits --- Documentation of variances, and the records of renegotiated Agency Plans, form the basis for any after-the-fact review of an agency's relationship with the Department. Audits will be conducted on the basis of this information.

e) Audits

Documentation of variances and the records of renegotiated Agency Plans form the basis for any after-the-fact review of an agency's relationship with the Department.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.180 Prerequisites for disbursement of funds

The Department will disburse funds to agencies in accordance with the fully executed Grant Agreement (including addenda, if applicable) and an Agency Plan signed by the Department's Agent upon receipt of a monthly Agency Disbursement Request signed by the region.

a) Agency responsibility

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- 1) Sign and return the Grant Agreement (and addenda) to the region.
- 2) Prepare and submit in duplicate an Agency Plan to the region.
- 3) Prepare an agency disbursement request for funds requested. The agency will retain one copy and submit one copy to the region (unless otherwise instructed). A separate request each month is required for each Department fund code broken down by program.
- 4) Individual payment attestations may vary in amount; however, the total amount(s) requested from all Department fund codes cannot be in excess of one month's total operating expenses of an agency. The sum of all monthly disbursement requests cannot exceed the Department grant funds as indicated in the approved Agency Plan.

b) Region responsibility

- 1) Initiate and approve Grant Agreement and addenda. Obtain the Department Agent's signature and distribute to:

A) Agency;

B) Region;

C) Department's Office of Management and Budget.

- 2) Review and approve or disapprove the Agency Plan submitted by the agency based on factors including but not necessarily limited to current funding priorities, budgetary constraints and compliance with this Part. Distribute to:

A) Agency;

B) Region;

- 3) Site visits by region staff to agencies receiving grant funds must be completed, at a minimum, on a quarterly basis and documentation of the site visit must be retained in the region's agency file.

- 4) Review, and if consistent with the Agency Plan, enter Agency Disbursement Request into the computer no later than the 15th day of the month preceding the month for which payment is

being requested. If the disbursement request is inconsistent with the Agency Plan, the region shall notify the agency of such facts within 10 working days after the end of the voucher cycle.

- 5) Retain one copy of the approved Agency Disbursement Request in the region's agency file.

- 6) Use Agency Plan for verification of the Agency Disbursement Request. If any change to the allocation is to affect payment for the month for which funds are being requested, the allocation must be changed via computer entry. This change must be made before the close of business of the 5th day of the month preceding the month for which payment is being requested.

- 7) When a revised Agency Plan is required, the region staff must verify that the monthly allocations entered via the computer are correct.

a) Agencies are required to submit a continuation application for the forthcoming year prior to commencement of the fiscal year, within timeframes and guidelines as established and using forms prescribed by the Department.

b) Agencies are further required to submit a full agency plan for the Department's review and approval within timeframes and guidelines as established and using forms prescribed by the Department.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.190 Interruption of disbursement and grant cancellation

- a) The Department may take action to interrupt disbursements to agencies for fiscal reporting infractions and/or agency operations which are contrary to Department policy stated herein and to cancel the Grant Agreement. Funds withheld by the Department during suspensions continue to accrue to the account of the agency and will be disbursed upon resolution of the infraction or deficiency. In the case of cancellation, funding will not be available and will not accrue for the period during which the Grant Agreement is canceled.

- b) The sanctions outlined herein for suspension and cancellation will be undertaken only after the Department region and the Department

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have made a reasonable effort to reach an acceptable resolution with the agency.

- c) The following are occasions for cancellations or suspensions:

1) Delinquent-revenue/expense-report

This type of fiscal infraction exists when an agency does not submit a revenue/expense report within the designated time limits and no written exception or extension has been made. Requests for subsequent disbursements will not be processed by the designated region and paid by the Department until the delinquent revenue/expense report has been received and approved. This type of fund interruption shall be automatic and without further notice to the agency.

2) Delinquent year-end certified audit report, and end-of-year personnel and consultant summaries

A) This type of fiscal infraction exists when an agency does not submit a year-end certified audit report and the accompanying personnel and consultant summaries.

B) The agencies which have not submitted audited financial statements for the prior grant year within 106 days of after the end of their fiscal year, will be given advance notice by registered letter from the Department's Office of Internal Audits that Department audit requirements must be met within 120 days of after the end of their fiscal year. Copies of the letter will be sent to the appropriate Department staff, regional administrator and other appropriate central and region office staff.

C) The Office of Internal Audits will send a registered letter from the Director to the agency suspending current year grant funding 120 days after the end of the agency's fiscal year for agencies not in compliance with audit requirements for the prior year. Copies of the letter will be sent to the regional administrator and other appropriate central and Department region office staff.

D) Any audit filing extension for the prior grant year approved by the Office of Internal Audits shall be considered advance notice to the agency of the

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Department's intention to suspend current year grant funding upon expiration of the filing extension.

E) Upon expiration of any approved extension for fulfilling the prior year's audit requirements, the Office of Internal Audits will send a registered letter from the Director to the agency suspending current year grant funds as of the date of the expired extension. Copies of the letter will be sent to the regional administrator and other appropriate central and region office staff.

3) Non-compliance with repayment procedures for under expended grant funds - This type of fiscal infraction exists when the agency fails to refund unexpended funds from a previous grant award.

4) Other suspensions - All other actions regarding suspension of grant funds are taken by the Director of the Department of Mental Health and Developmental Disabilities. The Director's action will be based upon the recommendations of the appropriate region staff and the applicable member or members of the Department's Executive Council. Suspension of disbursement shall remain in effect until such time as specified conditions are met. In unusual and severe circumstances, e.g., abuse or neglect of an individual, the Director may immediately suspend grant funds pending an investigation.

d) Actions for suspension require written notification to the agency and other appropriate funding bodies, if applicable, at least 15 days before such action goes into effect. Such notice shall specify reasons for which action is taken and the conditions under which suspension will be ended. Also specified will be the date when the grant will be automatically canceled if the conditions of suspension are not satisfied. The suspension of the grant is ended. All parties will be notified when the suspension of the grant is ended.

e) Cancellation of grant agreement

1) The Department or agency, upon 30 calendar days written notice of intention to do so, may terminate all or part of the grant agreement. Further, the Department, by written notice, may immediately terminate all or any part of the grant agreement upon determination that state funds have been used or are being used for purposes other than those

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which are the basis of the Grant Agreement. Immediate termination is intended to apply in those cases where whenever there is a determination of fraud, misappropriation or misuse in obtaining or expending Department funds or in certain cases of unusual incident, such as abuse or neglect of an individual.

2) Cancellation of a grant remains in effect until such time as specified conditions are met. Funding will not be available for the period during which a grant is canceled.

3) Cancellation of a grant means that the grant is thus rendered reduced from the original award for each calendar month during which cancellation is in effect, in accordance with the Agency Plan as approved by the Department. Cancellation requires written notification to the agency and other appropriate funding bodies, if applicable, 30 calendar days before such action goes into effect. Such notice shall specify the reasons for which the action is taken and the conditions under which cancellation will be ended reinstatement will occur. All parties will be notified when the cancellation period is ended.

4) When If the conditions under which the grant is canceled have not been rectified by the end of the fiscal year, no new grant award will be made for the ensuing fiscal year until such time as all conditions are satisfactorily met for the prior fiscal year.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 103.200 Revenue/expense reports (Repealed)

The agencies are to complete and submit to the region, periodic reports of revenue and expenses on forms prescribed by the Department. The purpose of these reports is to determine if the actual accrued operating revenue and expenses and capital income and expenses of an agency are within reasonable limits of budget projections. The agencies provide accrued operating expenses and actual agency income by source rather than budget projections as shown on the Agency Plan. Reconciliations are to be performed by program and agency total for both operating expenses to budget and operating expenses to funds received by an agency. All agencies will be required to submit a six-month report covering the period from July 1 through December 31 and a year-end report covering the entire fiscal year except those identified in Section 103.200(c).

a) Periodic reports

Revenue/expense reporting provides the total revenue accrued operating income and expenses of the agency, the combined accrued operating income and expenses of all unfunded programs, the combined accrued operating income and expenses for all Department grant-funded programs, and the accrued operating income and expenses for each Department grant-funded program. The completed report including supporting information must be obtained from the agency's accounting records. Requests for extensions are subject to review by the regional administrator and are granted for hardship situations not created by the agency.

1) The appropriate indirect expenses should be allocated based on the allocation factors negotiated with the region and consistent with the Agency Plan.

2) In-kind contributions

A) Other sources --- Provide the category and valuation of non-state in-kind contributions and related expenses based upon Department procedures.

B) State sources --- Provide the category and valuation of state in-kind contributions and related expenses based upon Department procedures.

C) For both state sources and other sources both the income --- and --- expense --- associated --- with --- in-kind contributions must be reported in the agency's books-of-account.

3) Agencies approved for total or partial Department-funded depreciation expense and desiring payment of this expense either as part of their monthly billing or at the end of the year are to complete the income/expense report for the capital funds. This amount should be consistent with approved allocations. Agencies not requesting and/or not approved for Department-funded depreciation expense should report this expense on the operating revenue/expense report as recorded in the agency's records at the end of the year. Depreciation expenses should be reported in the same manner as the other line item expenses and allocated reasonably among these programs.

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4) The agency's completed periodic reports are to be submitted to regions not later than the 25th day of the month following the close of the period on forms and in a manner as prescribed by the Department.

5) Reconciliation of operating expenses to funds

Provide total Department grant funds requested or received for the reporting period. Provide total Department grant operating expenses for the reporting period. Indicate differences. Use fund codes provided in the Grant Agreement and indicate amounts expended under each Department grant funded program.

A) End of each required reporting period

i) The sum of Agency Disbursement Requests paid for the period for each program is compared with the Department funded expenses by program on the periodic revenue expense report.

ii) If the sum of Agency Disbursement Requests exceeds the Department funded expense, the agency owes the Department the difference.

B) End of year

i) Complete reconciliation must be made for the entire fiscal year.

ii) Total all Department funded expenses for each program for the year.

iii) If total payments exceed total Department funded operating program expenses, the agency owes the difference. Agencies are subject to reconciliation adjustments simultaneously with submission of the year end report. A final reconciliation will occur with the submission of the year end certified audit.

iv) Overpayments of any amount over \$1.00 (allowance for rounding off) must be reimbursed to the Department.

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v) The fact of an overpayment under expenditure shall be the basis to establish an accounts receivable on region general ledgers.

vi) Payment by an agency must be by an offset, check, draft or money order. Payment made prior to September 15 shall be credited to the region's closing fiscal year's appropriation account.

vii) Any check, draft or money order is to be made payable to the Department of Mental Health and Developmental Disabilities and mailed to the regional administrator.

viii) Upon verification by the regional administrator, the check, draft or money order shall be mailed with a sufficiently descriptive cover letter to the Office of Management and Budget, Department Treasurer, 401 South Spring Street, Room 403, Springfield, Illinois 62706.

E) Agencies not submitting reconciliation adjustments or repayments as outlined above by September 15, should be notified promptly by registered letter from the region of impending legal procedures relating to this non-compliance. A copy of the letter is to be sent to the Department's Office of Management and Budget.

B) Each agency shall, after being provided by the Department with 10 days notice and an opportunity for a hearing within the affected region, repay to the Department amounts found not to have been expended in accordance with the Grant Agreement, the Agency Plan and these rules. If such repayment is not made, the Department shall, after providing the agency with 10 days notice and an opportunity for a hearing, offset such amounts through any or all collection procedures provided for in the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq.).

b) Lapsed funds

Department funds not expended as outlined in the effective Agency Plan are considered lapsed. These lapsed funds should be calculated by comparing the operating expenses to the budget using the following method:

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- 1+) Operating expenses to budget -- Display the total funds and grant funds budgeted for the period. (These figures must agree with the Agency plan.) Display the total accrued expense and grant funds accrued expenses for the reporting period. Indicate difference.
- 2+) Considerations of exceptions -- Agencies will have an opportunity to justify reallocation of funds to carry out the services outlined in the original plan. A 45-day grace period is provided.

3+) Lapsed funds procedures

- A+) The lapsed funds procedures allow for a more effective deployment of the funds available to community programs and maintain the integrity of the regional budget process throughout the grant year. Grant awards are made to particular programs to produce needed services based upon the region's funding priorities. Since lapsed funds generally remain in the region's allocation, these priorities must be continually reviewed during the year as lapsed funds become available. Therefore, budget development and funding decisions become more of a continuing process rather than a once-a-year event.

- B+) Each agency will file its completed periodic operating revenue/expense report with the region by the 25th day of the month following the close of the period. The completed bottom portion indicates the status of expenses versus allocation, by program. If the Department expenses are less than the approved allocation level, the agency is to indicate, in writing, one of the following options:

6+) Request for Department reallocation of funds

- 1+) Underexpenses of less than \$500 -- to any Department-funded program -- As a part of the periodic operating revenue expense report, the agency shall certify in writing that funds reallocated to a subsequent period will be expended in accordance with the approved Agency Plan on file with the Department.

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- 1+) Underexpenses of \$500 or more -- in any Department-funded program -- As a part of the periodic operating revenue/expense report, the agency shall submit an explanation of the underexpenses and a justification to support the reallocation of funds to a subsequent period.
- 11+) The region will review the agency's reasons for requesting the retention of the funds. If the reasons meet the Department and region funding priorities and the agency is capable of appropriately utilizing the lapsed funds, the region shall approve the allocation and it shall so inform the agency and shall work with the agency in the development of any required documentation.
- 1v+) If the region does not approve the reallocation, it shall inform the agency of this decision and send it a Notice of Lapse Addendum as soon as possible, but not later than 45 days after the request made by the community agency. The Agency Plan does not have to be revised solely because funds are lapsed. However, if the Plan is revised for another reason, the revision should accurately indicate past financial performance.

4+) Agreement to lapse

- A+) Voluntary lapse -- The agency will indicate in writing that no plan to utilize the underexpenses of funds exists and the grant award may be reduced accordingly.
- B+) Automatic lapse -- If no justification or certification is received, the funds will be automatically lapsed.
- 6+) Notice of lapse -- The region will prepare and send to the agency a Notice of Lapse Addendum as soon as possible, but no later than 45 days after the close of the period.
- B+) A copy of the Notice of Lapse Addendum shall be sent to the Department's Office of Management and Budget.

c+) Quarterly reports

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Agencies which have not demonstrated compliance with this Part and the procedures defined as follows shall be required to submit revenue and expense reports on a quarterly basis:

- 1) Agency had a permanent fiscal variance during the previous reporting period(s) as defined in Section 103-170(d)(1)(B);
- 2) Agency has not submitted an acceptable CPA audit for the prior fiscal year, if applicable;
- 3) Agency is currently under suspension for failure to comply with this Part;
- 4) Agency did not have a region approved Agency Plan form on file for the current fiscal year;
- 5) There is an indication of a material weakness in the agency's operation or internal control identified in an audit or there is noncompliance with the Agency Plan as identified in a region site visit.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 103.210 Lapsed funds

a) Reallocation of funds

Agencies may transfer funds between programs within the agency plan guidelines distributed by the Department. Agencies desiring to reallocate funds in excess of agency plan guidelines must request this reallocation in writing prior to the expiration of the grant agreement. Authorization to transfer these funds within the agency plan guidelines distributed by the Department, will be allowable, with justification, unless the Department indicates to the contrary within 30 days of notification. The agency must request this reallocation by registered mail prior to the end of the fiscal year.

b) Lapsed funds

At the expiration of the grant agreement, Department funds not expended as outlined in the effective agency plan are considered lapsed. These lapsed funds should be calculated by comparing the operating expenses to the budget using the following method:

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- 1) Department funds allocated to a given program must be spent within a given program. Compare the total accrued expense of Department reimbursable items with the total grant dollars allocated to the program. If the total Department reimbursable expenses are greater than the grant allocation, by program, there is no lapse. If the grant allocation is greater than the total Department reimbursable expense, by program, then the difference is the amount of the lapse, and the amount for which the Department may seek reimbursement.

- 2) Notice of lapse - The Department shall prepare and send to the agency a notice of lapse as soon as possible after submission of the agency's independent audit.

c) Agreement to lapse

- 1) Voluntary lapse - The agency may indicate in writing that no plan to utilize the underexpenses of funds prior to the expiration of the grant agreement exists and the grant award may be reduced accordingly.

- 2) Automatic lapse - If no justification or certification is received and approved prior to the expiration of the grant agreement, the funds will be automatically lapsed.

d) Reconciliation of operating expenses to funds

- 1) A final reconciliation will occur with the submission of the year end certified audit report.

A) Overpayment of any amount over \$1.00 (allowance for rounding off) must be reimbursed to the Department.

B) Payment by an agency to the Department shall be as outlined in the Illinois Grant Funds Recovery Act.

C) The Department will recover funds through the offset of subsequent year grant or purchase of care funds. If the offset of subsequent year funding is not possible due to discontinuation of funding, the agency shall be required to satisfy grant recovery by submitting a check, draft or money order.

D) Any check, draft or money order shall be made payable to the Department of Mental Health and Developmental Disabilities.

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- 2) Each agency shall, after being provided by the Department with notice and an opportunity for a Department hearing, repay to the Department amounts found not to have been expended in accordance with the grant agreement, the agency plan and these rules. If such repayment is not made the Department shall, after providing the agency with notice and an opportunity for a hearing, offset such amounts through any or all collection procedures provided for in the Illinois Grant Funds Recovery Act.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES
- 2) Code Citation: 89 Ill. Adm. Code 103
- 3) Section Numbers: Proposed Action:
103.25 New Section
103.35 New Section
- 4) Statutory Authority: Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 10-1 et seq.)
- 5) Complete Description of the Subjects and Issues Involved: Current rules do not provide policy on the establishment of a support obligation in Non IV-D cases. With this rulemaking, the manner for establishing a support obligation and the issuance of the Administrative Support Order are created.
- Current rules do not provide for any method of enforcement of the Administrative Support Order. With this rulemaking, the methods of enforcement of the Administrative Support Order are defined.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:

AMOUNT PAID NOT PAID

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A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: Not applicable

C) Reporting, bookkeeping or other procedures required for compliance: Not applicable

D) Types of professional skills necessary for compliance: Not applicable

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103

SUPPORT RESPONSIBILITY OF RELATIVES

Section

103.1	Incorporation By Reference
103.10	Support From Responsible Relatives
103.20	Determination Of Ability To Support
103.25	Establishment of Support Obligations
103.30	Redetermination Of Ability To Support
103.35	Enforcement of Administrative Support Orders
103.40	Failure or Refusal to Provide Information Regarding Ability to Support
103.50	Modification or Release From Support Order
103. Table A	Standard For Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 19891991, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 6395, effective April 16, 1990; amended at 14 Ill. Reg. 13288, effective August 6, 1990; amended at 14 Ill. Reg. 19348, effective November 30, 1990; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 103.25 Establishment of Support Obligations

Except in Title IV-D cases where support obligations shall be established in accordance with 89 Illinois Administrative Code 160.60, the Department shall establish a responsible relative's obligation to support in the following manner:

- a) A notice of obligation to support, a return envelope, and a statement of the responsible relative's rights and responsibilities are sent to the responsible relative via certified mail, return receipt requested.

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Section 103.25(a) (continued)

- 1) If the responsible relative does not respond to the notice within thirty days, the Department will issue a subpoena for records.
- 2) If the responsible relative submits the necessary income records within thirty days, the Department determines the responsible relative's ability to support in accordance with Section 103.20.
- b) If the determination indicates there is no obligation, the case is closed.
- c) If the determination indicates there is an obligation to support, determination is made as to the amount of the obligation.
- d) If a support obligation exists, the Department sends a notice of support due to the responsible relative via registered or certified mail directing payment of the obligation.
- e) If the responsible relative fails to pay within thirty days of issuance of the notice of support due, the Department sends an Administrative Support Order via registered or certified mail. The responsible relative is notified of his or her right to petition for release from or modification of the Administrative Support Order within 30 days of the date of its mailing.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 103.35 Enforcement of Administrative Support Orders

If the legally responsible relative has failed for ninety (90) days after the effective date of the support order to make regular support payments according to the support order and a balance due is outstanding, the Department may take any or all of the following actions to collect the past due support:

- a) Referral to the Department's legal representative for judicial enforcement of the Administrative Support Order.
- b) Referral to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act. (Ill. Rev. Stat. 1991, ch. 15, par. 210.05).
- c) Referral to a private collection agency for collection.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act
Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1075
- 3) Section Numbers: Proposed Action:

1075.10	New Section
1075.20	New Section
1075.30	New Section
1075.40	New Section
1075.50	New Section
1075.60	New Section
1075.70	New Section
- 4) Statutory Authority: Implementing and authorized by the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: Grievance procedure required to implement the Americans with Disabilities Act.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
Yes ☐ No ☒
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Provide an internal procedure to afford grievants an opportunity for redress prior to filing an external complaint on lack of access to programs and employment by persons with disabilities.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 30 days from the publication of this notice to:

Nancy B. Shannon
Acting Public Counsel
100 W. Randolph, Suite 11-300
Chicago, Illinois 60601

- 12) Initial Regulatory Flexibility Analysis: The grievance procedure set forth in this part is not applicable to small businesses.

The full text of the Proposed Rule begins on the next page:

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XL: OFFICE OF PUBLIC COUNSEL

PART 1075

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purpose
1075.10	Definitions
1075.20	Procedure
1075.30	Designated Coordinator Level
1075.40	Final Level
1075.50	Accessibility
1075.60	Case-By-Case Resolution
1075.70	

AUTHORITY: Implementing and authorized by the Americans With Disabilities Act of 1990, 42 USC 12101 et seq.

SOURCE: Adopted at 16 Ill. Reg. ____, effective ____.

Section 1075.10 Purpose

- a) This Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990 (ADA) (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. If an individual desires to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Office of Public Counsel, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office of Public Counsel to foster open communication with all individuals requesting readily accessible programs, services and activities. The Public Counsel encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

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Section 1075.20 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office of Public Counsel under this procedure.

"Designated Coordinator" is the person appointed by the Public Counsel who is responsible for the coordination of efforts of the Office of Public Counsel to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator can be contacted at 100 W. Randolph, Suite 11-300, Chicago IL 60601. (See 28 CFR 35.107.)

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for the participation in or receipt of the benefits of a program, activity or service offered by the Office of Public Counsel, and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Office of Public Counsel or has been subject to discrimination by the Office of Public Counsel.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Section and includes information such as name, address, phone number, nature of the grievance with specificity including date of incident, time, place and witnesses if applicable.

Section 1075.30 Procedure

a) Grievances must be submitted in accordance with procedures established in 1075.40 and 1075.50 of this Part defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator Level and the Final Level.

b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the

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complainant has withdrawn the grievance or has accepted the last response from the Office of Public Counsel given in the grievance procedure.

c) The Office of Public Counsel shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1075.40 Designated Coordinator Level

a) If an individual desires to file a grievance, the individual shall promptly, but no later than one-hundred eighty (180) days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive consideration by the Designated Coordinator.

b) Upon request, assistance in completing the Grievance Form shall be provided by the Office of Public Counsel.

c) The Designated Coordinator, or his or her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Public Counsel within fifteen (15) days after receipt of the Grievance Form.

Section 1075.50 Final Level

a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Public Counsel for final review. The complainant shall submit these documents to the Public Counsel, together with a short written statement explaining the reason or reasons for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the designated Coordinator's response.

b) Within fifteen (15) days, the Public Counsel shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be

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designated chairperson. The panel shall schedule a review of the grievance which shall commence no later than fifteen (15) days after the last member of the panel is appointed.

- c) Complainant shall be allowed to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two (2) of the panel members, but not later than fifteen (15) days after the review in Section 1075.50 (b) above, the panel shall make recommendations in writing to the Public Counsel as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Public Counsel in writing and shall sign such recommendation.
- e) Within ten (10) days after receipt of recommendations from a panel, the Public Counsel, or designee, shall approve, disapprove or modify the panel recommendations; shall render a decision thereon in writing; shall state the basis therefor; and shall cause a copy of the decision to be served on the parties. The Public Counsel's decision shall be final. If the Public Counsel disapproves or modifies the panel recommendations, the Public Counsel may include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Public Counsel shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.4 et seq.), or as otherwise required by law.

Section 1075.60 Accessibility

The Office of Public Counsel shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

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Section 1075.70 Case-By-Case Resolution

Each grievance involves a unique set of factors, which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office of Public Counsel. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: Proposed Action:
562.20 Amendment
562.30 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434 (a), (b) and (k)).
- 5) A Complete Description of the Subjects and Issues involved:
562.20 is being amended to clarify that a recipient of SSI benefits who is a minor, or has a guardian is exempt from the financial analysis regardless of the financial situation of his/her parent/guardian.
562.30 is being amended to clarify the exemption of fees for training (89 Ill. Adm. Code 562.30(a)(4)) and to add instruction provided by a Rehabilitation Instructor and Mobility Instructor to the list of services exempt from the financial analysis.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warrner, Manager

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D./T.T.: (217) 785-9301

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CLIENT FINANCIAL PARTICIPATION

- Section
562.10 General Applicability
562.20 Exclusions from Economic Needs Test
562.30 Financial Participation
562.40 Parental or Guardian Participation in Completing the Financial Analysis Form
562.50 Client Emancipation (Repealed)
562.60 Consideration of Settlements from Litigation or Other Sources
562.70 Refusal to Financially Participate
562.80 Timing of Financial Analysis
562.90 Annual Review of Financial Analysis
562.100 Exclusion for Public Aid Recipients (Repealed)
Table A Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 562.20 Exclusions from Economic Needs Test

The economic needs test shall be presumptively met by clients who are recipients of benefits from state or federal welfare programs, e.g., Aid to Families with Dependent Children, Supplemental Security Income (SSI), General Assistance and food stamps. The economic needs test shall also be presumptively met by a dependent of a recipient of such benefits. DORS shall require proof that a client is a recipient, or dependent of a recipient, of such benefits. A

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copy of a check or award letter or food stamp book, as appropriate, from the Illinois Department of Public Aid, the Social Security Administration or General Assistance Office shall be attached to the Client's Financial Analysis (IL 488-0265). SSI eligibility precludes the need to complete a financial analysis for a client who is a minor, regardless of the income status of his/her parents/guardians.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 562.30 Financial Participation

- a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client, or client's family, to share in the purchase of vocational rehabilitation services shall be applied to all Department of Rehabilitation Services (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation "(VR)) except the following:

- 1) evaluation of rehabilitation potential, (although VR services other than diagnostic services provided during extended evaluation require application of the financial analysis),
- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 612),
- 3) interpreter, reader, attendant, and note taker services,
- 4) fees for work-adjustment training (i.e., work adjustment, skills, employment) (89-III-Adm-Code-530-330(c)) through any approved rehabilitation facility (89 Ill. Adm. Code 530); including the work/study component of the nine month hearing impaired pre-vocational program at Northern Illinois University,
- 5) fees for on-the-job training (OJT),
- 6) services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B))(e.g., job coaching), and
- 7) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:

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- A) activities of daily living;
- B) communication skills;
- C) adjustment counseling; and
- D) mobility instruction; and

78) "maintenance" (89 Ill. Adm. Code 602) and "other services" (89 Ill. Adm. Code 607) which are in support of an exempt service specified in subsections (a)(1) through (47) above.

- b) When the financial analysis indicates that the client or spouse, or parents or guardians of minor children are able to financially participate in the client's program, their participation is required.
- c) The financial analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.
 - 1) Total income equals earned and unearned income plus any increases or decreases expected by the client for the twelve (12) months following completion of the Financial Analysis form (IL488-0265).
 - 2) Total outgo equals the Standard Budget Allowance plus unusual allowable expenses which the client expects to pay within the twelve (12) months following the completion of the Financial Analysis form.
 - 3) Net available income determines the dollar amount of client participation. (See Table A.)
 - 4) The client is not required to use private monetary merit awards (e.g. scholarships), contributions and gifts which are unrestricted as to use.
- d) For the purposes of completing the Financial Analysis form, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:
 - 1) The "Family Unit" refers to the client or spouse or parents or legal guardians of minor children,

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or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return.

- 2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)) and as documented by the client's (or client's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Client's Financial Analysis (IL 488-0265).
- 3) The "Standard Budget Allowance" (SBA) is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.
- 4) "Unusual Allowable Expenses" are:
 - A) prescription medication(s) to treat a physical/mental condition on an ongoing basis. Only those costs exceeding \$100 per year, paid by the client and not covered by insurance or other sources, are allowable;
 - B) medically prescribed diets required to treat a physical condition. Only the costs of dietary foods not found in a grocery store are allowable;
 - C) costs of disability related medical supplies and prescribed medical services paid by the client and not covered by insurance or other sources;
 - D) post-secondary education expenses paid by a parent/guardian for another family member if the individual is claimed as a dependent on the latest federal income tax return;
 - E) expenses related to the purchase of a van, as set forth in 89 Ill. Adm. Code 597.200(b); or

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- F) modifications (not to exceed \$2,000 per year) to a home if necessary (as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWRP) at §89 Ill. Adm. Code 572) due to client's disability.

e) Standard Budget Allowance

- 1) The Standard Budget Allowance is as follows:

NUMBER OF DEDUCTIONS CLAIMED ON TAX RETURN	\$ AMOUNT OF ALLOWANCE
--	------------------------

1	12,247
2	16,428
3	20,609
4	24,790
5	28,971
6	33,152
7	37,333
8	41,514

- 2) Add \$4,181 for each additional family member beyond eight members.

- 3) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

- 1) The Heading of the Part: Reading Improvement Program
- 2) Code Citation: 23 Ill. Adm. Code 260
- 3) Section Number: 260.40 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, chap. 122, par. 2-3.51.
- 5) Effective Date of Amendments: September 8, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 31, 1992
- 9) Notice of Proposal Published in Illinois Register:
April 10, 1992, 16 Ill. Reg. 5550
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:
No changes to the text of the amendments were requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, updated authority note.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
The proposed amendments eliminate certain restrictions from the rules regarding the use of Reading Improvement Program funds to pay for salaries of reading specialists and teacher aides.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
Address: 100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-3950

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 260
READING IMPROVEMENT PROGRAM

Section	Definitions
260.10	Purpose
260.20	Eligible Applicants
260.30	Allowable Expenditures
260.40	Procedure and Criteria for Approval of Applications
260.50	Allocation of Funds
260.60	Distribution of Grant Awards
260.70	

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.51).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992

NOTE: Capitalization denotes statutory language.

Section 260.40 Allowable Expenditures

- a) Allowable expenditures consist of expenditures for reading specialists, teacher aides and other personnel and for the acquisition of books and other printed materials to the extent provided in Section 2-3.51 of the School Code and this Part.
- b) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING READING SPECIALISTS, PROVIDED THAT NO SUCH PAYMENT SHALL EXCEED THE MINIMUM STARTING TEACHER SALARY IN THE DISTRICT PER READING SPECIALIST SO EMPLOYED, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE PAYMENT FOR MORE THAN ONE READING SPECIALIST FOR EACH 15 CERTIFICATED TEACHERS, OR MAJOR FULL-TIME EQUIVALENT PORTION THEREOF, EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX.

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- c) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO HELP MEET A DISTRICT'S COST OF EMPLOYING TEACHER AIDES, PROVIDED THAT NO SUCH PAYMENT SHALL EXCEED THE LESSER OF THE ACTUAL SALARIES PAID BY A SCHOOL DISTRICT TO ITS TEACHER AIDES EMPLOYED PURSUANT TO THIS PART, OR ONE-THIRD (1/3) OF THE MINIMUM STARTING TEACHER SALARY IN THE DISTRICT PER TEACHER AIDE SO EMPLOYED, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT SHALL BE ELIGIBLE TO BE PAID UNDER THIS SECTION FOR MORE THAN ONE TEACHER AIDE FOR EACH 3 CERTIFICATED TEACHERS EMPLOYED BY THE DISTRICT FOR CLASSROOM TEACHING OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX (Section 2-3.51 of the School Code).

- d) Each person employed as a teacher aide pursuant to this Part must work under the supervision of a certificated teacher, and, as a condition precedent to such that employment, either shall have earned at least 30 semester hours of college credit or shall have successfully completed a Teacher Aide Program at an institution approved by the State Board of Education pursuant to 23 Ill. Adm. Code 25.540 (Certification).

(Source: Amended at 16 Ill. Reg. 14196, effective September 8, 1992)

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- 1) Heading of the Part: Rules for the Protection, Treatment and Inventory of Unmarked Human Burial Sites and Unregistered Graves.
- 2) Code Citation: 17 Ill. Code 4170
- | Section Numbers | Adopted Action: |
|-----------------|-----------------|
| 4170.100 | New Section |
| 4170.110 | New Section |
| 4170.200 | New Section |
| 4170.210 | New Section |
| 4170.300 | New Section |
| 4170.310 | New Section |
| 4170.320 | New Section |
| 4170.330 | New Section |
| 4170.340 | New Section |
| 4170.400 | New Section |
| 4170.410 | New Section |
| 4170.420 | New Section |
| 4170.430 | New Section |
| 4170.440 | New Section |
| 4170.500 | New Section |
| 4170.600 | New Section |
| 4170.610 | New Section |
| 4170.620 | New Section |
| 4170.630 | New Section |
| 4170.640 | New Section |
| 4170.650 | New Section |
| 4170.700 | New Section |
| 4170.710 | New Section |
| 4170.720 | New Section |

- 4) Statutory Authority: Implementing and Authorized by Ill. Rev. Stat. 1991, ch. 127, pars. 2660 et seq.
- 5) Effective Date of Rule(s): September 8, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference: Yes. If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking? Certificate not required pursuant to 6.02(a) of the Act.
- 8) Date Filed in Agency's Principal Office: September 8, 1992

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9) Notice(s) of Proposal Published in Illinois Register:

10/25/91, 15 Ill. Reg. 209
(issue date)

10) Has JCAR issued a Statement of Objections to this rule? No11) Differences between proposal and final version:

1. Non-substantive changes, including grammar and typographical errors corrected throughout and minor wording changes for clarity.
2. Section 4170.200(b) - new requirement that individuals having information indicating the possible future disturbance of protected resources should notify the the Agency.
3. Section 4170.200(c)(1) - coroner reporting time changed from "10 days" to "seventy-two (72) hours".
4. Section 4170.200(e)(1) - words "or impending" inserted after "reported" to make wording consistent.
5. Section 4170.200(e)(2) - section has been modified to include inadequate documentation as a reason for the Director to require additional archaeological work at a suspected unregistered grave.
6. Section 4170.210(a) - changes time limited for Agency to prepare a mitigation plan from 90 to 45 days.
7. Section 4170.210(a)(2) - the phrase "Delays shall not count against any contractor's completion date agreement" has been deleted.
8. Section 4170.300(b) - the following language has been added after the word Director "as early in the planning process as possible, but".
9. Section 4170.300(b) - the time limit for applying for a permit has been changed from 4 months to 2 months prior the proposed project.
10. Section 4170.300(b) - after the words "proposed starting date of" the words "the proposed project" have been deleted and the following sentences inserted,

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"construction or other field operations that would affect the unregistered grave. Within fifteen (15) working days the Agency shall notify the applicant if sufficient documentation has been submitted or if additional documentation is required. Within thirty (30) working days of receiving complete documentation the Agency shall make a determination whether the permit will be issued or denied."

11. Section 4170.300(b)(10) - the words "opinion of the proposed work" have been substituted for "consent".
12. Section 4170.300(b)(12-13) - subsections (b)(12-13) have been deleted.
13. Section 4170.300(f)(3) - new section added to ensure that skeletal analysts know and comply with professional standards and Museum curation standards.
14. Section 4170.310(e)(1)(v) - wording changed to allow public examination of permits during normal working hours.
15. Section 4170.420 - section changed to allow persons who wish to contest an Agency decision regarding permits to do so in writing within 14 days of the contested decision and be granted a hearing.
16. Section 4170.640((b)(1)(E) - subsection deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and purpose of Rule: These rules explain the procedures to be followed for the protection, treatment, and inventory of unmarked human burial sites and unregistered graves over 100 years old on private and public lands. The Act requires a permit to be issued

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by the Illinois Historic Preservation Agency prior to disturbance of this resource.

- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Thomas E. Emerson
Address: Historic Preservation Agency
Old State Capitol Building
Springfield, Illinois 62701
Telephone: 217-785-4997

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SOURCE: Adopted at 16 Ill. Reg. 14200, effective September 8, 1992.

SUBPART A: PROTECTION OF UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

Section 4170.100 Purpose of Rules

These regulations implement the provisions and intent of the Human Skeletal Remains Protection Act (Ill. Rev. Stat. 1991, ch. 127, par. 2660 and Ill. Reg. Stat. 1991, ch. 127, pars. 2661 et seq.) that all human burials and human skeletal remains be accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural background, or religious affiliation. These regulations apply to all prehistoric and historic American Indian, historic Illinoisian, pioneer, Civil War and other human skeletal remains found in unregistered graves, and associated grave artifacts and grave markers found upon or within any public or private land in the State. The protection and preservation of unregistered graves, associated grave artifacts, and grave markers in place is the preferred situation.

Section 4170.110 Definitions

"Act" means the Human Skeletal Remains Protection Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2660 et seq.).

"Adequate historical documentation" is information verifiable through at least two of the following types of independent sources: church records, deeds, maps, and other written and oral sources.

"Agency" means the Illinois Historic Preservation Agency.

"Agency archaeologist" means the chief of the Agency archaeology program.

"Archaeological resources" means any material remains of past human life or activities that are at least fifty (50) years of age, as well as the physical site, location, or context in which those remains are found.

"Attorney General" means the Attorney General of the State of Illinois.

"Buffer land" means that amount of sufficient contiguous land, submerged or non-submerged, surrounding the burial site necessary to ensure its protection.

"Coroner" means a person defined in Division 3-3 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, pars. 3-3001 through 3-3043).

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of a deceased person in any stage of decomposition in a context indicating substantial evidence for an intentional or unintentional burial; or, a disarticulated or articulated skeleton.

"Illinois Inventory of Archaeological and Paleontological Sites" shall be as defined in the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1991, ch. 127, par. 133c10) and its accompanying regulations.

Interest" means an interest based on any of the following:

Kinship;

A related group;

A scientific, environmental or educational purpose;

Land use; or

Any other interest which the Agency deems to be in the public interest.

"Inventoried burial site" is a piece of land that has a record of having buried human remains or any burial site that is already recorded with the county Recorder of Deeds, in the Illinois Inventory of Archaeological and Paleontological Sites or in the Inventory but does not include cemeteries registered with the State Comptroller under the Cemetery Care Act (Ill. Rev. Stat. 1991, ch. 21, pars. 64.1 et seq.).

"Inventory" means the Illinois Inventory of Burial Sites as described in Subpart C hereof.

"Kinship" or "kin" means lineal, affinal or legal relationship, whose biological, legal or affinal relationship can be demonstrated by genealogy, legal documentation, or forensic methods.

"Material remains of past human life or activities" refers to any physical evidence of human habitation, occupation, use or activity. Such items of evidence include, but are not limited to:

surface, subsurface, or submerged structures (a specific example includes, but is not limited to, shipwrecks);

shelters;

facilities (specific examples include, but are not limited to, forts and mines);

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"Cultural-historical affiliation" means an association with a recognized historical age and cultural group (e.g., prehistoric Indian Mississippian culture or historic European colonial culture).

"Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way human skeletal remains, unregistered graves and grave markers.

"Director" means the Director of the Agency.

"Field investigation" means the study by a professional archaeologist of the traces of human culture at any land or water location by means of surveying, sampling, excavating, or removing subsurface objects or going on a site with that intent.

"Grave artifacts" means all relics, specimens, or objects of a historical, prehistorical, cultural, archaeological or anthropological nature of human manufacture or use which are found above or below the surface of the earth and which are associated with human skeletal remains in any unregistered grave.

"Grave markers" are any tombs, monuments, stones, ornaments, mounds, or other item of human manufacture that are associated with an unregistered grave.

"Historic burial site" means:

Any unmarked burial site or unregistered grave which has been listed in the Illinois Register of Historic Places pursuant to Section 6 of the Historic Preservation Agency Act (Ill. Rev. Stat. 1991, ch. 127, par. 2706), has been determined by the Agency to be eligible for the National Register of Historic Places using the criteria for evaluation in 36 CFR 60.6 or which the Agency has determined to be of historic significance;

Any object, or group of objects, located in or associated with an unmarked burial site or unregistered grave or that enhances an understanding and appreciation of Illinois history; or

Any object, or group of objects, and the district, area or site they define, which may yield significant data but whose value and significance has yet to be determined by the Agency.

"Historic significance" means that the Director has determined that the unmarked burial site or unregistered grave has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning cultures in Illinois of more than 100 years ago.

"Human skeletal remains" or "human remains" means any part of the body

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features (specific examples include, but are not limited to, domestic structures, human-made mounds, earthworks, canals, reservoirs, horticultural garden areas, rock alignments, cairns, kilns, and post molds);

surface or subsurface concentrations or scatters of artifacts;

whole or fragmentary tools, implements, containers, weapon projectiles, clothing, and ornaments (specific examples of these include, but are not limited to, pottery and other ceramics, basketry, cordage, weavings, coins, bullets, bottles, and other glassware, flaked stone, bone, metal, wood, hide, feathers, and pigments);

by-products of manufacture or use of human-made or natural materials;

organic waste (specific examples include, but are not limited to, vegetal and animal remains, coprolites);

rock carvings, rock paintings, intaglios and other works of artistic or symbolic representation;

rockshelters or caves containing any of the foregoing materials;

the physical site or location of any of the foregoing; or

any portion or piece of any of the foregoing.

Coins, bullets and unworked minerals and rocks shall not be considered archaeological resources for purposes of the Act unless found in a direct physical relationship with archaeological resources as defined in this Section.

"Museum" means the Illinois State Museum.

"Museum Director" means the Director of the Illinois State Museum.

"Owner of record" means the person in whose name the property appears on the records of the county Recorder of Deeds.

"Permit" means a permit issued by the Agency pursuant to Sections 4170.300 and 4170.310.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, institution, corporation or a receiver, trustee, guardian or other representatives appointed by order of the court, the Federal and State governments including State universities or any city, town, county or

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other political subdivision of this State, or of any Indian tribe.

"Professional archaeologist" shall be defined as provided in the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1991, ch. 127, par. 133c9).

"Public lands" means any land owned or administered by the State, a State university, a municipality or a unit of local government.

"Related Group" means the governmental body or recognized leaders of an Indian tribe, religious organization, ethnic affiliate, or other group that can make a claim based on past legitimate control or custody of the human skeletal remains, unmarked graves, and/or grave markers. For the purposes of these regulations an Indian tribe means any federally-recognized Indian tribe or band that can be historically documented to have inhabited lands located within the State and that can demonstrate ownership or control of a particular burial site; a religious organization means an organized religious group recognized by federal internal revenue service tax exemption or a traditional Indian religious group, pursuant to federal regulations established under the American Indian Religious Freedom Act (42 USC 1996) that can demonstrate ownership or control of a particular burial site; and an ethnic affiliate means a non-American Indian historic immigrant nationality or ethnic group of European, African, or Asian origin that can demonstrate ownership or control of a particular burial site.

"Site" means all aboriginal mounds, forts, earthworks, village locations, burial grounds, historic or prehistoric ruins, mines, caves, or locations of past human life or activities which are the physical location of archaeological resources or may be the source of grave artifacts.

"Treatment" means traditional ethnic, religious, or tribal activities of an ethnic, religious, or tribal group associated with the final disposition of human remains.

"Unmarked burial site" means any interment of human skeletal remains for which there exists no grave marker or any other historical documentation and that was not previously known or recorded.

"Unregistered grave" means any grave or location (including any unmarked burial site) where a human body has been buried or deposited, is over 100 years old and is not in a cemetery registered with the State Comptroller under the Cemetery Care Act (Ill. Rev. Stat. 1991, ch. 21, pars. 64.1 et seq.).

Section 4170.200 Discovery of Unmarked Burial Sites, Unregistered Graves and Notification of Authorities

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- a) Notification of Coroner. Any person knowing or having reasonable grounds to believe that an unregistered grave or unmarked burial site is being disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible, notify the coroner of the county in which the remains are known to be or believed to be located. Any discovery of human skeletal remains by any person shall be reported as soon as possible to the coroner of the county in which the unregistered grave is located.
- b) Notification of Agency. Any person knowing or having reasonable grounds to believe that an unregistered grave or unmarked burial sites may be disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible prior to the disturbance, notify the Agency.
- c) Discovery of An Unregistered Grave Other Than During An Archaeological Excavation. When an unregistered grave is discovered other than during an archaeological excavation subject to regulation by the Agency, all activity that may disturb the unregistered grave shall cease immediately, and the coroner shall be notified. Such activity shall not resume unless specifically authorized by the coroner if the coroner maintains jurisdiction or by the Director if the Agency assumes jurisdiction.
 - 1) If the coroner finds that the unregistered grave may be involved in a legal investigation or represents the burial of an individual who has been dead less than 100 years, the coroner shall assume jurisdiction over and responsibility for such unregistered grave and human remains, and no other provisions of this Section shall apply. The coroner shall have seventy-two (72) hours after being notified of the unregistered grave to determine if the coroner shall maintain jurisdiction or refer the matter to the Director.
 - 2) If the coroner finds that the unregistered grave is not involved in a legal investigation and represents the burial of an individual who has been or is presumed to have been dead 100 years or more, the coroner shall notify the Director, and the Agency shall assume jurisdiction over the unregistered grave and human remains.
- d) Discovery of An Unmarked Burial Site or Unregistered Grave During An Archaeological Field Investigation.
 - 1) When an unmarked burial site or unregistered grave is discovered as a result of an archaeological field investigation and the archaeologist finds that the unmarked burial site or unregistered grave represents the burial of an individual who has been dead less than 100 years, the archaeologist shall notify the coroner, and all activity that may disturb the unmarked burial site or unregistered grave shall cease until the coroner authorizes work to resume.
 - 2) If such an unmarked burial site or unregistered grave represents the burial of an individual who has been or is presumed to have been dead 100 years or more, the coroner and the agency

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- archaeologist shall be notified, and archaeological activities in the burial site area may not resume until the Agency authorizes the work to resume.
- 3) Within fifteen (15) days after the discovery of an unmarked burial site or unregistered grave of an individual who has or is presumed to have been dead 100 years or more, the archaeologist conducting the excavation shall report to the Director an opinion regarding the cultural and biological characteristics of the unmarked burial site or unregistered grave and where human skeletal remains and associated burial artifacts should be held prior to delivery to the Museum.
 - e) Notification of Owner of Record of Permit Requirements.
 - 1) If a disturbance or impending disturbance of an unmarked burial site or unregistered grave is reported to the Director by a person other than the owner of record, the Director shall notify the owner of record of the burial site by telephone if possible and by certified letter, return receipt requested, of the reported or impending disturbance of the burial site, the requirement that a permit be obtained prior to such disturbance and the liabilities and penalties upon the owner of record for any violation of the Act. The Director may notify any other person who may have an interest in the burial site.
 - 2) In instances where the disturbance or impending disturbance of an unmarked burial site or unregistered grave for which specific legal boundaries have not been determined or for which there is not adequate historical documentation is reported to the Director, the Director may require all activity that may disturb the unmarked burial site or unregistered grave to cease until specific legal boundaries can be determined and adequate historical documentation collected. Such activities shall not resume unless specifically authorized by the Director. The Director may require an archaeological field investigation be conducted to determine the specific legal boundaries to determine the type of the burial or archaeological resource and to collect adequate historical documentation.

Section 4170.210 Determination of Agency Involvement

Whenever the Agency assumes jurisdiction over an unmarked human burial site or unregistered grave, the Director shall:

- a) Determine whether the unmarked burial site or unregistered grave is of historic significance and whether it is possible to preserve in place. If the unmarked burial site or unregistered grave is significant and cannot be preserved in place, the Agency may prepare a permit including a mitigation, disposition, and curation plan. If the discovery of the unmarked burial site or unregistered grave was discovered as the result of agricultural, mining, construction or like activity, the Agency shall have fourteen (14) days to prepare such a plan. If no agricultural, mining, construction or like activity is

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- 4) The nature and purpose of the proposed disturbance requiring removal;
- 5) Special circumstances demonstrating that preservation in place is not feasible and removal is in the public interest, citing economic, construction, or social needs (e.g., contemporaneous construction or development of the property, agricultural activity, mining etc.) requiring expedition in removing the remains; and

- 6) The permit applicant's proposed funding source, timetable, and available professional expertise for removing the human remains and performing the excavation of the unmarked burial site or unregistered grave.

b) Application by a Governmental Body, Professional Archaeologist, or Person other than the Owner of Record. Any governmental body, professional archaeologist, or person other than the owner of record seeking to disturb an unregistered grave shall apply to the Director as early in the planning process as possible, but at least two (2) months before the proposed starting date of construction or other field operations that would affect the unregistered grave. Within fifteen (15) working days the Agency shall notify the applicant if sufficient documentation has been submitted or if additional information is required. Within thirty (30) working days after receiving complete documentation the Agency shall make a determination whether the permit will be issued or denied. The applicant must submit two (2) copies of an application proposal to the Agency containing information with respect to:

- 1) The significant archaeological/scientific research questions that the research will investigate. If the site is on public lands, the applicant must justify why such investigations can only be undertaken at the site in question or why that site is the optimum choice for those investigations. If the permit request is project-related the applicant must describe the nature and purpose of the proposed disturbance and justify why preservation of the burial area in place is not feasible and removal is in the public interest. The proposal must be sufficiently detailed to allow the Director to arrive at an objective evaluation of the research design, site justification, field methodology, curation, timeframe and techniques.

- 2) The nature and extent of the work proposed, locational maps, proposed time schedule for excavation, analysis and report preparation, and proposed outlet for public written dissemination of the results.

- 3) The names and addresses of the person(s) proposed to be responsible for conducting the work, including detailed resumes of the key project personnel (including, e.g., the principal investigator, field director and staff directing any specialized analysis proposed), institutional affiliation, if any, and evidence of education.

- 4) Evidence that personnel named as responsible for site excavations

involved, the Agency shall have forty-five (45) days to propose such a plan. Any mitigation plan developed by the Agency shall be carried out in accordance with the following:

- 1) The consent of the owner of record shall be required for the execution of any mitigation plan;

- 2) In discoveries related to development where land alteration project activities exist, the owner of record or the owner's agent shall be responsible for the funding and execution of the mitigation, disposition, and curation plans in accordance with the requirements of the Director;

- 3) Project activities shall resume once necessary archaeological excavations required by the mitigation plan have been completed; and

- 4) The Director may, with the permission of the owner of the land, recommend that a general archaeological field investigation of the unmarked burial site or archeological site be conducted by a professional archaeologist.

b) Make Identification of Relationships to Burial. Make reasonable efforts to identify and locate persons who can establish kinship or related group relationships with the individual or individuals whose remains constitute the unmarked burial site or unregistered grave. The Director may, but shall not be required to, publish notice of any excavation of human remains in a newspaper of general circulation in the county where the burials or skeletal remains are situated, in an effort to determine the identity and/or kin of the deceased. If such notice is published, treatment and ultimate disposition of the human remains shall be subject to the written permission of the kin who notify the Director within thirty (30) days of the last published notice. If possible, the Director shall consult with the closest related family member or recognized leaders if a related group relationship is established, in determining the proper final disposition of the remains found in the unmarked burial site or unregistered grave.

Section 4170.300 Permit Application

- a) Application by Non-Governmental Owner of Record. If the non-governmental owner of record or the owner's agents desire to remove human remains, the owner of record must apply to the Director for a permit. Upon receipt of the application, the Agency will assist the applicant in preparing a mitigation plan for the removal of the human remains from the unmarked burial site or unregistered grave. The application shall contain information the Agency deems necessary, including the following:

- 1) The applicant's name and address;
- 2) The circumstances surrounding discovery of the human remains, unmarked burial site or unregistered grave;
- 3) The applicant's knowledge of the nature of the remains (e.g., Protestant, Indian, pioneer, Civil War or other);

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in subsection (b)(3) of this Section are certified as professional archaeologists under the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1991, ch. 127, pars. 133c.01 et seq.) as Field Archaeologists, Level II or III.

- 5) Evidence that all burial excavations and analysis will be performed under the supervision of a skeletal analyst certified under subsection (f) of this Section.
- 6) The name(s) and address(es) of the person(s), if different from the person(s) named in subsection (b)(3) of this Section, proposed to be responsible for carrying out the terms and conditions of the permit.
- 7) Evidence of the applicant's ability to initiate, conduct, and complete the proposed work within the proposed timeframe, including evidence of funding, logistical support, laboratory facilities and evidence of past timely and successful completion of similar scale projects.
- 8) Evidence that an adequate program of site security to protect human remains from theft or vandalism will be maintained during all work performed under this permit.
- 9) Evidence that written consent has been obtained from the owner of record for work proposed on such owner's land.
- 10) Evidence that, in the case of public lands, written opinion of the proposed work has been obtained from the agency archaeologist.
- 11) In cases where the specific legal boundaries of an unregistered grave have not been defined, the Director may require that the applicant submit to the Director a survey to determine the specific legal boundaries and to determine the type or class of burial site.
- 12) Evidence, with the written concurrence of the Museum, that any university, museum, or other scientific or educational institution proposed in the application as a temporary repository of materials possesses adequate curatorial capability for safeguarding and preserving the archaeological resources and all associated records during the term of the permit.
- 13) The applicant has certified that, not later than ninety (90) days after the date the final report is submitted to the Agency, all artifacts, samples, collections, and copies of records, data, photographs, and other documents resulting from work conducted under the requested permit will be delivered to the Museum in a format consistent with the Museum's curation policy.
- c) Emergency Excavations. In instances where an unregistered grave is accidentally uncovered on private lands, and it is not feasible to leave the burial in place, the Director may, if weather and schedules permit, authorize the excavation and analysis of the remains at no cost to the owner of record by a professional archaeologist or skeletal analyst approved by the Director. All costs related thereto shall be borne by the professional archaeologist or skeletal analyst

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or other person employing or authorizing such excavation and analysis.

d) Exceptions.

- 1) No permit shall be required under this part for any person conducting activities under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of human skeletal remains, grave artifacts and/or grave markers from unregistered graves. General earth-moving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal as used in this Section. However, if during the course of such work, an unregistered grave is discovered, the provisions of Section 4170.200 are applicable.
- 2) No permit shall be required under the auspices of the Act for any person collecting on private lands for private purposes any paleontological remains or any rock, coin, bullet, or mineral provided that such collecting does not result in disturbance of any burial site or unregistered graves.
- 3) No permit is required where the proposed archaeological work consists of an archaeological survey and/or data recovery undertaken and agreed to in writing by the Agency pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), or pursuant to the Illinois State Agency Historic Resources Preservation Act (Ill. Rev. Stat. 1991, ch. 127, pars. 133c21 et seq.), or the activities permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. 1201 et seq.) or the rules and regulations promulgated thereunder or under any law, rule or regulation adopted by the State thereunder.
- e) Excavation by Agency Personnel. Persons carrying out official Agency duties required under the Act need not follow the permit application procedures of this Section. However, the Agency shall insure by other documented means that appropriate procedures have been followed.
- f) Certification of Skeletal Analyst. The following establish minimum standards of education and experience to be certified as a skeletal analyst for the purpose of conducting activities under the Act. The applicant must have:
 - 1) Designed, and executed a human osteological study as evidenced by a graduate thesis or dissertation, or a report equivalent in scope and quality and been awarded a graduate degree, from an accredited institution, in archaeology, anthropology, or another germane discipline with a specialization in human osteology. It is recognized that in some cases an individual may have prepared several small reports that, cumulatively, may be comparable to a graduate thesis. The report(s) must indicate substantive analysis based on an explicitly theoretical orientation;
 - 2) Six months of supervised analytical training/experience in the identification, analysis, and interpretation of human osteological remains, which may be accumulated on a part-time basis; and

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- d) Denial of Permits. The Director shall not recommend the approval of an application under Section 4170.300(a) or (b) of these Rules if:
- 1) In the case of economic development or construction, there are reasonable and feasible alternatives to removal of the human remains;
 - 2) In the case of archaeological or scientific research, such research is not deemed to be scientifically significant or necessary;
 - 3) The proposed funding level is not sufficient to complete the proposed project;
 - 4) The application is inadequate, or any part of the application is found to be deficient;
 - 5) There is any question as to the ownership of the resulting materials;
 - 6) The key project personnel are not adequately trained or lack sufficient experience to successfully complete the proposed project;
 - 7) The facilities and institutional support for the applicant are inadequate to successfully complete the project;
 - 8) The applicant or institution has not satisfactorily complied with the conditions of past permits issued under the Act or under the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1991, ch. 127, pars. 133c.01 et seq.); or
 - 9) The applicant or institution has demonstrated history, within the previous five (5) years, of not completing similar scale archaeological projects in a timely and successful fashion.
- e) Permit Conditions.
- 1) In all permits issued, the Agency shall specify:
 - A) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location and purpose of the work;
 - B) The name of the person(s) responsible for conducting the work and, if different, the name of the person(s) responsible for carrying out the terms and conditions of the permit; and
 - C) In order to minimize damage to lands and to artifacts, specimens or materials to be removed and in order to insure the recording and preservation of significant data regarding those artifacts, specimens, materials or sites, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal, the procedures to be followed in documenting the removal and the matters to be covered in the report or reports required to be provided pursuant to Section 4170.340.
 - 2) A) The permit may require that an authorized representative of the State be present to witness and document the removal of artifacts, specimens or materials from the unregistered grave.

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- 3) Agreed to conduct research in accordance with currently accepted scientific standards as outlined in the Society for Professional Archaeologists "Standards of Research Performance" and to know and comply with the Museum's curation and recordation policy.
 - g) Application for Certification. Any individual wishing to apply for certification under this Act as a skeletal analyst shall submit a letter of request with appropriate documentation to the agency archaeologist. Documentation should be sufficient to demonstrate the applicant fulfills the requirements of subsection (f)(1), (2) and (3). Restrictions Under Other Laws. Under Federal and other Illinois statutory, regulatory, or administrative authorities governing the use of public lands, authorizations may be required for activities which do not require a permit from the Agency. Burial investigations carried out on public lands shall conform with the requirements of the Archaeological and Paleontological Resources Protection Act (Ill. Rev. Stat. 1991, ch. 127, pars. 133c.01 et seq.). Any person wishing to conduct on public lands any activities related to, but believed to fall outside the scope of, the Act and these regulations should consult the Agency or the authority believed to have authority with respect to such activity for the purpose of determining whether any authorization is required.
- Section 4170.310 Issuance of Permits
- a) Generally. Any permit may contain any terms, conditions or limitations the Agency deems necessary to achieve the intent of the Act. A permit shall identify the person responsible for carrying out the terms and conditions of the permit.
 - b) Notification and Consultation With Respect To Related Group Sites. If a permit to be issued may result in harm to, or destruction of, any related group site, as determined by the Director before issuing such permit, the Director shall notify and consult with a local representative of the affected group. Notwithstanding such consultation, the Agency shall have sole discretion in granting or denying any permit.
 - c) Permits For Archaeological Burial Excavations. A permit shall be issued pursuant to an application if, after any notifications, consultations and hearings required, the Director finds that:
 - 1) The applicant is qualified to carry out the permitted activity;
 - 2) The proposed activity is undertaken in the public interest for the purpose of furthering archaeological or scientific knowledge or to allow economic development or construction to proceed;
 - 3) The currently available technology and the technology the applicant proposes to use are such that the significant information contained in the archaeological resource can be retrieved; and
 - 4) The funds and the time the applicant proposes to commit are such that the significant information contained in the archaeological resource can be retrieved.

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- B) A copy of the issued permit shall be on file with the Agency and the Museum.
- C) Unless permit length is defined within the terms of the permit, each permit shall expire at midnight one (1) year after the date of its issuance. Any permit may be revoked by the Director, at any time, upon being convinced that activities are not being conducted under the terms and conditions of the permit.
- D) One copy of the permit shall be at the site of the project, either in the possession of the owner of record, the principal investigator of the project or a designated professional archaeologist at the project site.
- E) The permit may be examined by the Agency, the Museum, their designated representatives, or the public on demand during normal business hours during the period of the permit.
- F) All permits for archaeological investigations issued by the Director are conditional on the applicant demonstrating to the Director, at least thirty (30) days before initiation of fieldwork, that the project is fully and adequately funded. The applicant must detail in writing the amount and source of all funding.
- G) The Agency may specify such other terms and conditions deemed necessary, consistent with this Section, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under a permit.
- H) The archaeological resources which are collected, excavated or removed and associated records and data, and, if unclaimed, human skeletal material, will remain the property of the State and will be cared for by the Museum. With the approval of the Museum Director, such materials will be available for loan under the provisions of the Museum loan policy.
- I) The applicant shall bear the financial responsibility for the cost of reinterment or other treatment, if required by the Director, of any human burials or humans skeletal remains excavated or removed as a result of the permitted activities.
- J) At the discretion of the Museum Director, the applicant may bear the financial responsibility for the cost of curation at the Museum of all archaeological resources, associated records and data, and skeletal remains excavated or removed as a result of the permitted activities.
- F) Initiation Deemed Acceptance. Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.
- 9) No Release Until Obligations Satisfied. The permittee shall not be released from requirements of a permit until all outstanding

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Obligations have been satisfied, whether or not the term of the permit has expired.

- h) Extension and Modification. The permittee may request that the Agency extend or modify a permit.
- i) Permits For Terms In Excess of One Year. The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the Agency at least annually.

Section 4170.320 Financial Responsibility

The permit applicant shall bear the cost of the excavation, removal, analysis and disposition.

Section 4170.330 Suspension and Revocation of Permits

- a) Suspension of Permits. The Director shall suspend a permit until conditions leading to the suspension are rectified if there are indications that:
- 1) Any facts in the proposal were misrepresented;
 - 2) The research design and/or methodology has been changed without authorization from the Director;
 - 3) There are violations of the permit conditions; or
 - 4) Public health or safety are endangered.
- b) Revocation of Permit. The Director shall permanently revoke a permit if, after investigation, it is clear that:
- 1) Facts in the permit applications were willfully misrepresented; or
 - 2) The permittee refuses to conform to the conditions set forth in the permit as issued by the Director.

Section 4170.340 Reports Required

A final report shall be submitted to the Agency and the Museum within the timeframe established in the permit from those persons whose permits were issued pursuant to Section 4170.300(a) and (b). This report will include the following:

- a) Transmittal Statement by the Owner of Record. This statement will substantiate:
- 1) The final disposition of the human remains; and
 - 2) Evidence of the transfer of any excavated or removed grave artifacts or associated historical, cultural or archaeological resources to the Museum.
- b) Reports By Professional Archaeologist and/or Skeletal Analyst. Professional archaeologists shall provide evidence that the land on which the excavation occurred has been returned to its normal use or the use interrupted by the discovery of the human remains. The professional archaeologist and/or skeletal analyst shall also provide the Agency and the Museum with counterpart copies of reports containing the following information:

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- 1) Title Page. Each report shall have a title page which specifies the author, principal investigator, institution or association, contractor and source of funds, title or report including the nature and location of work, and the date the report was prepared.
- 2) Abstract. The abstract shall include a clear summary indicating the purposes, location, result of fieldwork, and laboratory analysis if applicable, and any recommendations of the report. The abstract shall include enough information that it could be quoted as a summary statement in preparing a statement regarding action(s) in complying with this Act.
- 3) Table of contents. This is necessary only in the case of reports exceeding ten (10) pages in length. The table of contents should provide page locations for the various report subdivisions as well as for figures, tables, references cited, and appendices.
- 4) Introduction. The introduction shall briefly summarize the purpose of the investigations and the scope of work (contract requirements), including any agencies involved, dates of work, principal personnel and landowners.
- 5) Physical setting. The physical setting as it relates to an understanding of the nature of a burial site shall be described. Information shall be presented on the geomorphology, soils, vegetation, current land use, potential for burial preservation and any other such pertinent data. A map showing the location of the project in the State should be included, as well as a United States Geological Survey (USGS) quadrangle map and any additional maps that clarify location and setting.
- 6) Context. A summary of any previous archaeological and/or historical record of the burial site(s) shall be provided. The focus shall be on providing information that would aid in understanding and evaluating the importance of the burial site(s) in the study. This Section shall include a description of the information sources consulted including published material, site files, unpublished manuscripts and informants.
- 7) Methods. An explicit statement of procedures used to collect and evaluate the burial site, field and laboratory data and rationale for the particular procedures utilized shall be included in the report. The overall field strategy and the techniques used in the survey and/or excavation shall be specified. Maps showing the areas actually covered by on-the-ground inspection should be included. If more than one technique was used in the work, maps or text should specify the techniques used in each particular subarea. Each map should be clear, of appropriate scale and shall contain a north arrow, caption and key to symbols used. The techniques and equipment used in collecting and analyzing skeletal and associated data should be specified (e.g., type(s) of preservatives and adhesives used in stabilizing the skeletal material, type(s) of instruments used in making measurements, statistical techniques employed in the analysis, etc.).

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- 8) Results. The results of field and/or laboratory investigations should be presented (along with supportive data) and a synthesis of the work given. This Section should include site descriptions of all burial sites surveyed or excavated. The descriptions should include, if applicable, a complete discussion of the site's historical or archaeological context.
- 9) Description of Burials. The number and nature of burials (including type of burial, positions, etc.) and a description and analysis of all associated artifacts and/or features must be included in this discussion. Additionally, a scale map with the positions of each burial should also be provided. If laboratory skeletal analysis is being reported, the report shall include, but not be limited to, an inventory of the bones and teeth recovered, a description of the general condition of the remains, a description and analysis of any traumas and pathological conditions, assessments of age, sex, stature, population and tribal affiliation, a description and analysis of standard cranial and postcranial measurements and nonmetric traits, and evidence used in the identification of specific individuals.
- 10) Supporting data. Supporting data for the report should include lists and descriptions of material remains, illustrations of the artifacts and pertinent skeletal parts, photographs of the site(s) and the project area figures of excavation details (profiles, plan maps, etc.). The synthesis should evaluate the burial sites, burials, skeletal population, cultural/historical context of all of the former in relationship to the overall scope of the project and in relationship to pertinent cultural, historical or archaeological questions.
- 11) Identification. The report shall, if possible, clearly present the evidence to establish kin, related group, and/or cultural-historical affiliation.
- 12) Recommendations. Recommendations regarding the preservation or mitigation of the burial site(s) must be given. A discussion of future research potential of any skeletal remains recovered in excavations must be given.
- 13) Supplementary statements. The location where the materials and records have been deposited and are being cared for must be specified in the report. The nature of the records and curation facility must also be noted.
- 14) Bibliography. References to the files, literature, and oral reports which are applicable to the project must be included in the bibliography.
- c) Consultation on Report Findings. If the report is unable to establish a kinship or related group relationship, or a cultural-historical affiliation for the human remains, the Director may seek, at the Director's discretion, additional information from persons with relevant experience, including, for example:
 - 1) A human skeletal analyst;

Section 4170.400 Disposition of Human Remains

- 2) The governmental body of the Indian tribe most likely to be related to the deceased Indian if the remains are those of an Indian;
- 3) A representative of the ethnic group most likely to be related if the remains are not those of an Indian;
- 4) Any person who has special knowledge or experience regarding the particular type of unregistered grave; and/or
- 5) The Chairman of the Anthropology Section at the Museum.

Section 4170.400 Disposition of Human Remains

- a) Remains Identified By Kin. If the kin can be identified by the Director, they shall have the authority concerning the ultimate disposition of the remains.
- b) Remains of a Related Group. If the human skeletal remains are identifiably part of a related group, the Director, after consultation with appropriate group leaders, shall attempt to locate a descendant. If no descendant is located, disposition of the remains shall be in accordance with the desires of such related groups.
- c) No Kin or Related Group Identified. Whenever the Director is unable to identify kin or related group, or the kin or related group identified fails to make a recommendation, the Director shall transfer jurisdiction of the remains to the Museum which shall treat the remains in accordance with their existing policies.
- d) Reinterment. Any person awarded disposition of the remains for reinterment shall submit a witnessed and notarized statement to the Director within sixty (60) days after acquiring the remains, or within sixty (60) days after ground conditions allow reinterment, stating that the agreed upon reinterment has been completed.
- 1) If the human remains are reinterred, the permittee shall provide to the Director the information necessary to inventory the unmarked burial site.
- 2) If the Director concurs, skeletal remains may be reinterred by the owner of record with appropriate dignity at another location on the property in a location not subject to further subsurface disturbance.
- e) Other Disposition. Any person awarded disposition of the remains for purposes other than reinterment shall submit a witnessed and notarized statement to the Director within sixty (60) days after acquiring the remains that the agreed upon treatment has been established.

Section 4170.410 Transfer of Jurisdiction Over Human Remains

Upon notification by the agency archaeologist that the Agency has fulfilled its responsibilities under the Act, the Director shall inform the Museum Director, in writing, that:

- a) The human remains have been transferred to the kin or related group for disposition; or
- b) Jurisdiction over the human remains is being transferred to the

Museum.

Section 4170.420 Appeals

Any person denied a permit, any permittee contesting a condition of a permit, or any related group contesting the disposition of remains may request an administrative hearing by writing:

- Director
- Illinois Historic Preservation Agency
- Old State Capitol
- Springfield, Illinois 62701

The written request must be received by the Agency within fourteen (14) days after the complained of decision or action.

Section 4170.430 Delegation of Responsibilities

If the Agency and the Museum agree, the responsibilities, in whole or in part, of the Agency and Museum under these Rules may be delegated through a memorandum of understanding. Such a memorandum of understanding will be subject to periodic review at the initiation of either the Agency or the Museum.

Section 4170.440 Custody and Curation

- a) Title to Remains, Grave Markers and Grave Artifacts. Human skeletal remains, grave markers, and grave artifacts excavated or removed from unregistered graves remain the property of the State. All articles, implements and material found or discovered by such disturbances, investigations, explorations, or excavations, shall be delivered to representatives of the Museum within ninety (90) days after the permit termination date.
- b) Archaeological Reports and Field Records. All original field records, notes, photographs and other information collected or reasonable facsimiles of same shall be housed in the Museum.
- c) Distribution of Artifacts and Materials by the Museum. All collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information, as well as objects collected, may be made available for study under Museum policy.

Section 4170.500 Scientific Treatment and Disposition of Human Remains Transferred to the Illinois State Museum

- a) Acquisition. The Museum will accept transfer of human remains from permittees under this Act and from the Agency. A report describing the terms, conditions, and context of the human remains shall be submitted to the Museum at the time of the transfer.
- b) Transfer of Human Remains. Human remains collected by individuals prior to August 11, 1989 may be transferred to and accepted by the State if the Director determines they are of potential historical

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significance. The Director may require individuals making such transfers to comply with Section 4170.340 of the Act. Upon receipt of the remains the Director shall implement disposition and transfer procedures as outlined in Sections 4170.400 and 4170.410.

- c) Identification of Human Remains. With all transferred human remains the Agency shall provide the Museum with documentation of attempts to identify and contact kin or related groups. If such kin or related groups can be subsequently identified, the Museum shall contact them to determine their recommendations on the treatment and disposition of the human remains.

- d) Evaluation of Claims. Persons may submit to the Museum Director documentation demonstrating their relationship to specific human remains. The Museum Director will review these documents on a case by case basis within sixty (60) days and will notify those persons of the decision. Recognized kin or recognized leaders of related groups will have sixty (60) days to forward in writing to the Museum Director their desires for treatment and/or disposition of the human remains.

- e) Resolution of Disagreements. In the event of a disagreement between the Museum and a related group over decisions rendered under the provisions of this policy, the Museum will request a resolution from an impartial third party as arbitrator as authorized under Ill. Rev. Stat. 1991, ch. 10, pars. 101 et seq. If a third party resolution is unacceptable to either party, a final determination may be adjudicated.

- f) Scientific Treatment of Human Remains. The Museum will ensure that all human remains under its care will be maintained with dignity and respect.

- 1) The Museum will make human remains available to qualified researchers for the purpose of scientific inquiry. Research proposals must address the purpose of the study, research design, and analytical methods and techniques. Human remains may be examined at the Museum, or borrowed by another Museum or educational institution. Study proposals are reviewed by the Museum Director. Upon completion of the study, two (2) copies of the full report describing the analysis, its results and significance shall be submitted to the Museum and the Agency.

- 2) Human remains will be exhibited only in exceptional cases where the exhibit conveys an understanding of the lives of past peoples and insofar as the human remains are an integral part of evidence of the past and contribute to an understanding of human culture. In the event that the human remains are affiliated with kin or a related group, those persons will be consulted as to the effectiveness of the display and its sensitivity to their religious or philosophical beliefs.

- g) Disposition of Human Remains.

- 1) The Museum will return human remains to kin or related groups at their request after the remains have been formally deaccessioned from the Museum's collection. Upon approval of the deaccession request by the Museum Director, the Museum will notify kin or

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related groups when the remains are available for transfer. Human remains will be returned to kin or related groups at the Museum upon signature of a receipt of transfer.

- 2) In instances in which neither kin nor related groups can be identified, or at the request of such kin or related groups, human remains will be curated by the Museum with care and dignity. Such remains will be curated in a secure environment with restricted access.

SUBPART B: PROHIBITED ACTS; PENALTIES

Section 4170.600 Prohibited Acts; Notification of Agency

- a) Discovery of Human Remains in Unregistered Grave. Any person who discovers human skeletal remains subject to this Act shall promptly notify the coroner. Any person who knowingly fails to report such a discovery within forty-eight (48) hours is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner has already been so notified.

- b) No Disturbance Permitted. It is unlawful for any person, either by himself or through an agent, to knowingly disturb human skeletal remains and grave artifacts or a grave marker in unregistered graves protected by the Act except upon written application made to the Director for a permit therefor and upon the issuance and according to the terms of a permit granted therefor by the Director or exempted by Section 4170.310(c).

- c) No Sale Or Other Transfer of Human Remains, Grave Markers or Grave Artifacts. It is unlawful for any person either by himself or through an agent, to sell, purchase, exchange, transport, possess, or receive any human skeletal remains, grave artifacts or grave markers with the knowledge that they have been collected or excavated in violation of the Act.

- d) Permit Required. It is unlawful for any person, either by himself or through an agent, to knowingly allow the disturbance of human skeletal remains, unregistered graves, or grave markers on property controlled by that person unless such disturbance is authorized by a permit issued by the Agency.

- e) Notification of Agency. The persons aware of any violations of the Act shall contact the Agency.

Section 4170.610 Criminal Penalties

- a) Class A Misdemeanor-Violations. Any violation of Sections 4, 6 or 7 of the Act is a Class A misdemeanor and the violator shall be subject to imprisonment for not more than 1 year and a fine not in excess of \$10,000; any subsequent violation is a Class 4 felony. Each disturbance of an unregistered grave constitutes a separate offense. (Ill. Rev. Stat. 1991, ch. 127, par. 2670)

- b) Class B Misdemeanor-Violations. Any violation of Section 5 of the Act

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is a Class B misdemeanor and the violator shall be subject to imprisonment for not more than 6 months and a fine not in excess of \$500; any subsequent violation is a Class A misdemeanor. Each disturbance of a grave marker constitutes a separate offense. (Ill. Rev. Stat. 1991, ch. 127, par. 2671)

Section 4170.620 Civil Penalties

- a) Authority to Assess Civil Penalty. The Agency may assess a civil penalty against any person who has violated any prohibition contained in the Act, any regulation promulgated by the Agency pursuant to the Act or any term or condition included in a permit.
- b) Notice of Violation. The Agency shall serve a notice of violation upon any person believed to be subject to a civil penalty, either in person or by registered or certified mail (return receipt requested). The Agency shall include in the notice:

- 1) A concise statement of the facts believed to show a violation;
 - 2) A specific reference to the provision(s) of the Act, regulation or permit allegedly violated;
 - 3) The amount of penalty proposed to be assessed, including any initial proposal to mitigate or remit where appropriate, or a statement that notice of a proposed penalty amount will be served after the damages associated with the alleged violation have been ascertained; and
 - 4) Notification of the right to file a petition for relief pursuant to subsection (d) of this Section, or to await the Agency's notice of assessment, and to request a hearing in accordance with subsection (g) of this Section. The notice shall also inform the person of the right to seek judicial review of any final administrative decision assessing a civil penalty.
- c) Alternatives in Response to Notice of Violations. The person served with a notice of violation shall have thirty (30) calendar days from the date of its service for the date of service of a proposed penalty amount, if later) in which to respond. During this time the person may:

- 1) Seek informal discussions with the Agency;
 - 2) File a petition for relief in accordance with subsection (d) of this Section;
 - 3) Take no action and await the Agency's notice of assessment; or
 - 4) Accept in writing or by payment the proposed penalty, or any mitigation or remission offered in the notice. Acceptance of the proposed penalty or mitigation or remission shall be deemed a waiver of the notice of assessment and of the right to request a hearing under subsection (g) of this Section.
- d) Petition for Relief. The person served with a notice of violation may request that no penalty be assessed, or that the amount be reduced, by filing a petition for relief with the Agency within thirty (30) calendar days after the date of service of the notice of violation (or of a proposed penalty amount, if later). The petition shall be in

writing and signed by the person served with the notice of violation. If the person is a corporation, the petition must be signed by an officer authorized to sign such documents. The petition shall set forth in full the legal or factual basis for the requested relief. Assessment of penalty.

- e) The Agency shall assess a civil penalty upon expiration of the period for filing a petition for relief, or upon completion of informal discussions, whichever is later.
- 2) The Agency shall take into consideration all available information, including information provided pursuant to subsections (c) and (d) of this Section or furnished upon further request by the Agency.
 - 3) If the facts warrant a conclusion that no violation has occurred, the Agency shall so notify the person served with a notice of violation, and no penalty shall be assessed.
 - 4) Where the facts warrant a conclusion that a violation has occurred, the Agency shall determine a penalty amount in accordance with Section 4170.640.
- f) Notice of Assessment. The Agency shall notify the person served with a notice of violation of the penalty amount assessed by serving a written notice of assessment, either in person or by registered or certified mail (return receipt requested). The Agency shall include in the notice of assessment:
- 1) The facts and conclusions from which it has determined that a violation did occur;
 - 2) The basis in Subsection 4170.640(b) for determining the penalty amount assessed and/or any offer to mitigate or remit the penalty; and
 - 3) Notification of the right to request a hearing, including the procedures to be followed, and to seek judicial review of any final administrative decision assessing a civil penalty.
- g) Hearings.
- 1) Except when the right to request a hearing is deemed to have been waived as provided in subsection (c)(4) of this Section, the person served with a notice of assessment may file a written request for a hearing with the adjudicatory body specified in the notice. The person shall enclose with the request for hearing a copy of the notice of assessment, and shall deliver the request as specified in the notice of assessment, personally or by registered or certified mail (return receipt requested).
 - 2) If a person served with notice fails to deliver a written request for a hearing within thirty (30) days after the date of service of the notice of assessment, that person shall be deemed to have waived the right to a hearing.
- h) Final Administrative Decision.
- 1) If the person served with a notice of violation has accepted the penalty pursuant to subsection (c)(4) of this Section, the notice of violation shall constitute the final administrative decision;
 - 2) If the person served with a notice of assessment has not filed a

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timely request for a hearing pursuant to subsection (g)(1) of this Section, the notice of assessment shall constitute the final administrative decision;

- 3) If the person served with a notice of assessment has filed a timely request for a hearing pursuant to subsection (g)(1) of this Section, the decision resulting from the hearing or any applicable administrative appeal therefrom shall constitute the final administrative decision.

j) Payment of Penalty.

- 1) The person assessed a civil penalty shall have thirty (30) calendar days from the date of issuance of the final administrative decision in which to make full payment of the penalty assessed, unless a timely request for appeal has been filed.

- 2) Upon failure to pay the penalty, the Agency may request the Attorney General to institute a civil action to collect the penalty in a court having jurisdiction over the person assessed a civil penalty. When the Agency in not represented by the State's Attorney General, a civil action may be initiated by the State's Attorney of the county in which the violation occurred.

- 3) Other Remedies Not Waived. Assessment of a penalty under this Section shall not be deemed a waiver of the right to pursue other available legal or administrative remedies.

- k) Injunctive Remedy. The Agency may seek injunction or other relief as the Agency deems appropriate for any violation of the Act or regulations promulgated thereunder.

Section 4170.630 Civil Damages

- a) Generally. Persons convicted of a violation of Section 4 or 5 of the Act shall also be liable for civil damages to be assessed by the Agency. Civil damages may include:

- 1) forfeiture of any and all equipment used in disturbing the protected unregistered graves or grave markers;
- 2) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;
- 3) any and all costs associated with restoring the land to its original contour or the grave marker to its original condition;
- 4) the archaeological value, the cost of restoration and repair, and any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the unregistered graves or grave markers;
- 5) any and all costs associated with the reinterment of the human skeletal remains; and/or
- 6) any and all costs associated with the determination and collection of the civil damages. (Ill. Rev. Stat. 1991, ch. 127, par. 2672)

- b) Deposit of Penalty Amounts to Designated Funds. When civil damages

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are recovered through the Attorney General, the proceeds shall be deposited into the Historic Sites Fund. When civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board.

- c) Archaeological Value. For purposes of this Part, the archaeological value of any human remains, grave artifacts or grave markers involved in a violation of the prohibitions in the Act or regulations promulgated thereunder or conditions of a permit shall be the value of the information associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

- d) Cost of Restoration and Repair. For purposes of this Part, the cost of restoration and repair of human remains, grave artifact or grave marker damaged as a result of a violation of prohibitions or conditions pursuant to this Part shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

- 1) Reconstruction of the human remains, grave artifact or grave marker;
- 2) Stabilization of the human remains, grave artifact or grave marker;
- 3) Ground contour reconstruction and surface stabilization;
- 4) Research necessary to carry out reconstruction or stabilization;
- 5) Physical barriers or other protective devices necessitated by the disturbance of human remains, grave artifact or grave marker to protect it from further disturbance;
- 6) Examination and analysis of the human remains, grave artifact or grave marker including recording remaining archaeological information, when necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;
- 7) Reinterment of human remains in accordance with State law and with religious or tribal custom as determined appropriate by the Museum; and
- 8) Preparation of reports relating to any of the above activities.

Section 4170.640 Penalty Amounts

Determination of Penalty Amount, Mitigation, and Remission. The Agency may assess a penalty amount less than the maximum amount of penalty and may offer to mitigate or remit the penalty.

- a) Determination of the penalty amount and/or a proposal to mitigate or remit the penalty may be based upon any of the following factors:
 - 1) Agreement by the person being assessed a civil penalty to return to the State the archaeological resources removed;

known, be provided:

- 1) The applicant's name, address and telephone number;
- 2) The burial site owner's name, address and telephone number;
- 3) Adequate historical documentation of the burial site;
- 4) Photographic prints of the burial site to document the condition of the site;
- 5) A town, range and subsection description and Universal Transverse Meridian co-ordinates of the site's location, including sufficient buffer land necessary to protect the site until its specific legal boundaries are defined;
- 6) A sketch showing the known area of the site and any salient observable features;
- 7) A copy of the pertinent United States geological survey topographic quadrangle map or a plat noting the location of the burial site; and
- 8) The Illinois Inventory of Archaeological and Paleontological Sites site number.

b) Documentation of a Burial Site. Documentation of a burial site may include, but is not limited to, the following:

- 1) Physical evidence, as demonstrated by archaeological or written historical reports showing the presence of human skeletal remains, graves, artifacts or grave markers;
- 2) Adequate historical documentation;
- 3) Oral depositions or affidavits; or
- 4) Any additional information requested by the Agency.

c) Entry of Site Into Inventory. If the application is complete and accurate to the best of the inventor's knowledge, the Agency shall enter the site into the Inventory. The Agency shall notify the applicant, owner and the local unit of government having jurisdiction over the burial site when a particular burial site has been added to the Inventory and shall record that location with the county Recorder of Deeds.

d) Removal from the Inventory.

- 1) If substantial evidence is ever presented to the Agency to indicate that a burial site does not contain burials or burial markers, or all the burials and burial markers are removed, the Agency shall notify the owner and the unit of local government having jurisdiction over the burial site and any other group or person the Agency deems appropriate and give such persons sixty (60) days to respond to the Agency on this new evidence.

2) After sixty (60) days, if the Agency decides that there is sufficient evidence to indicate that a site does not contain any burials or burial markers, the Agency shall do all of the following:

- A) Remove the site from the Inventory; and
- B) Submit a request to the county Recorder of Deeds to amend the legal property description previously defined for the land on which the burial site was registered.

2) Agreement by the person being assessed a civil penalty to assist the Director in activity to preserve, restore, or otherwise contribute to the protection and study of archaeological resources on Illinois lands;

3) Agreement by the person being assessed a civil penalty to provide information which will assist in the detection, prevention, or prosecution of violations of the Act;

4) Determination that the person being assessed a civil penalty did not willfully commit the violation;

5) Determination that the proposed penalty would constitute excessive punishment under the circumstances; and/or

6) Determination of other mitigating circumstances appropriate to consideration in reaching a fair and expeditious assessment.

b) When the penalty is for a violation which may have had an effect on a known tribal, ethnic or religious site on public lands, the Director should consult with and consider the interest of the affected group(s) prior to proposing to mitigate or remit the penalty.

Section 4170.650 Rewards

Section 9 of the Act provides for rewards of up to \$2,000 to be made to persons who furnish information which leads to the arrest and conviction for a criminal violation. The Director may certify to the State Comptroller that a person is eligible to receive payment. Officers and employees of federal, State, or local government who furnish information or render service in the performance of their official duties, and persons who have provided information under Section 4170.640 (b)(1)(A) and (C), shall not be certified eligible to receive payment of rewards.

SUBPART C: ILLINOIS INVENTORY OF BURIAL SITES

Section 4170.700 Purpose of Inventory

In order to ensure that the scientific knowledge about both prehistoric and historic unmarked burial sites and their associated historic, cultural and archaeological resources is made available to the public and is not willfully or unnecessarily destroyed or lost, and to preserve information with respect to unregistered graves, the Agency shall maintain an Illinois Inventory of Burial Sites. Such burial site information shall also be maintained as part of the Illinois Inventory of Archaeological and Paleontological Sites. The Inventory shall indicate the accurate location of each unmarked burial site. To ensure the protection of sites, the release of locational information shall be at the discretion of the Director.

Section 4170.710 Inventorying of Burial Site

- a) Application for Inventorying. To initiate an inventory request an applicant must complete the appropriate form provided by the Agency. The form shall request that the following information, to the extent

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Section 4170.720 Confidentiality

Information concerning the nature and location of any burial site or unregistered grave, regardless of ownership of the property, may be made available to the public unless the Agency determines that the disclosure would create a risk of harm to the human remains, unregistered grave, grave artifacts, grave markers or to the site at which such resources are located.

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TITLE 17: CONSERVATION

CHAPTER VI: ILLINOIS HISTORIC PRESERVATION AGENCY

PART 4170

RULES FOR THE PROTECTION, TREATMENT AND INVENTORY OF UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

SUBPART A: PROTECTION OF UNMARKED HUMAN BURIAL SITES AND UNREGISTERED GRAVES

Section	Purpose of Rules
4170.100	Definitions
4170.110	Discovery of Unmarked Burial Sites, Unregistered Graves and Notification of Authorities
4170.200	Determination of Agency Involvement
4170.210	Permit Application
4170.300	Issuance of Permits
4170.310	Financial Responsibility
4170.320	Suspension and Revocation of Permits
4170.330	Reports Required
4170.340	Disposition of Human Remains
4170.400	Transfer of Jurisdiction Over Human Remains
4170.410	Appeals
4170.420	Delegation of Responsibilities
4170.430	Custody and Curation
4170.440	Scientific Treatment and Disposition of Human Remains Transferred to the Illinois State Museum
4170.500	

SUBPART B: PROHIBITED ACTS; PENALTIES

Section	Prohibited Acts; Notification of Agency
4170.600	Criminal Penalties
4170.610	Civil Penalties
4170.620	Civil Damages
4170.630	Penalty Amounts
4170.640	Rewards
4170.650	

SUBPART C: ILLINOIS INVENTORY OF BURIAL SITES

Section	Purpose of Inventory
4170.700	Inventorying of Burial Site
4170.710	Confidentiality
4170.720	

AUTHORITY: Implementing Sections 1 through 16 and authorized by Section 15 of the Human Skeletal Remains Protection Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2660 et seq.).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Adopted Action:

147.25 Amendment
 147.50 Amendment
 147.75 Amendment
 147. TABLE D Amendment
 147. TABLE E Amendment
 147. TABLE G Amendment
 147. TABLE L New Section

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Adopted Amendments: August 31, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 31, 1992

9) Notice of Proposal Published in Illinois Register:

March 20, 1992 (16 Ill. Reg. 4218)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

The definition for "Assessment/Reassessment" in Section 147.75 has been changed so that the two paragraphs which follow the initial definition, and which obviously pertain to this definition, are indented five spaces to the right.

The definition for "Occupational Therapist Registered/Licensed (OTR/L)" in Section 147.75 has been revised by changing "Is a graduate of ..." to "A graduate of ...".

The definition for "Qualified Social Worker" in Section 147.75 has been deleted in response to comments from the Illinois Chapter of the National

DEPARTMENT OF PUBLIC AID

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Association of Social Workers and in an agreement with the Joint Committee on Administrative Rules.

In Section 147. TABLE D, the comma following the acronym RN has been deleted in the following subsections: (a)(2)(A)(i), (a)(3)(A)(i), (b)(2)(A)(i), (b)(3)(A)(i), (c)(2)(A)(i), (c)(3)(A)(i), (d)(2)(A)(i) and (d)(3)(A)(i).

In Section 147. TABLE D(a)(2)(B), a typographical error has been corrected, changing (vi) to (v).

In Section 147. TABLE D, the numbers which precede the numbered phrases within the text of the following subsections, have been deleted: (a)(2)(C)(x), (b)(2)(C)(x), (c)(2)(C)(x), (d)(2)(C)(x) and (e)(2)(C)(xiv).

Section 147. TABLE E(n)(2) has been revised by adding a new subsection, (F), which reads, "No monthly progress note by licensed staff (Level 2)."

Section 147. TABLE E(s)(3)(D)(ii) has been revised by deleting the phrase "... (if any) ...".

In Section 147. TABLE G(b)(1)(B)(iv), the phrase "Physical Therapist Assistant" has been changed to "Physical therapist assistant."

A change has been made in Section 147. TABLE L, in ITEM 3) Physician's progress notes/visits, regarding the updating of progress notes in intermediate care facilities. After the first 90 days following admission, the progress notes must be updated at least once every 60 days, rather than once every 90 days as previously stated in the rule.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
147.100	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.150	Amendment	August 28, 1992 (16 Ill. Reg. 13215)
147.205	Amendment	August 28, 1992 (16 Ill. Reg. 13215)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
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147.300	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.305	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.310	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.315	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.320	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.325	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.340	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.345	Amendment	June 12, 1992 (16 Ill. Reg. 8906)
147.350	Amendment	June 12, 1992 (16 Ill. Reg. 8906)

15) Summary and Purpose of Adopted Amendments: The attached rules contain revisions which were made in response to changes in federal regulations under OBRA'87, requirements of OBRA'90 and suggestions made by providers and Department field staff.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones

Bureau of Rules and Regulations

Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

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Telephone: (217)524-3215

The full text of the Adopted Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group
147.5	Care Facilities
147.15	Comprehensive Resident Assessment
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
EMERGENCY	
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
EMERGENCY	
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (Emergency Expired)
147.300	Determination of Program (Specialized Services) Costs
147.305	Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Care Plan (CCP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities
147.355	Staff Time and Allocation by Need Level
147.360	Staff Time and Allocation for Restorative Programs
147.365	Comprehensive Resident Assessment
147.370	Functional Needs and Restorative Care
147.375	Service

147. TABLE F	Social Services
147. TABLE G	Therapy Services
147. TABLE H	Determinations
147. TABLE I	Activities
147. TABLE J	Signatures
147. TABLE K	Rehabilitation Services
147. TABLE L	Personal Information

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.25 Functional Needs and Restorative Care

A Resident Assessment Instrument is used to assess the variable needs of public assistance residents for determination of statewide nursing rates and facility reimbursement levels. The Resident Assessment guidelines as described in this Section identify the functional needs of the resident and the programs developed to improve their functional abilities.

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Section 147.25 (continued)

a) Category 1 - Bathing/Grooming

a) Base Rate Services

- A) General reminders of when to take a bath;
- B) Assistance with combing/brushing hair or assistance with washing back; and
- C) One-to-one verbal instruction.

2) Functional

- A) Resident needs and receives hands-on assistance due to functional deficit(s) (as determined by physical or psychological causes). Resident is helped with bathing some part of her/his body. This includes oral hygiene, washing hair and shaving.
- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with bathing. Resident is bathed by a staff person whether the bath is given in the tub, shower, or bed.

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in bathing and grooming due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continue to be implemented, and is at a maintenance level after initial improvement. Restorative care and program intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in bathing and grooming. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone

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Section 147.25(a)(5) (continued)

reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

b) Category 2 - Clothing

1) Base Rate Services

- A) Assistance in choosing appropriate clothing; and
- B) Verbal reminders to dress.

2) Functional

- A) Resident needs and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes). Resident requires and receives help with getting dressed. This involves the actual assisting with putting on clothes.
- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with dressing. Resident is dressed by a staff person and does not participate in dressing of self. This includes bedfast residents being dressed in gown, pajamas, etc.

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in dressing due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continue to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in dressing. The assessment shall state what the resident is able to do independently and what

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assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

c) Category 3 - Eating

1) Base Rate Services

A) Routine tray preparation:

i) opening milk cartons

ii) cutting food

iii) pouring coffee/beverages

iv) buttering bread

B) Verbal reminders to eat (encouragement)

2) Functional

A) Resident needs and receives hands-on staff assistance to eat some part of the meal due to a functional deficit(s) (as determined by physical or psychological causes).

B) Totally dependent. Resident requires and receives total assistance from staff with eating due to a functional deficit(s) (as determined by physical or psychological causes).

C) Tube Feeding. Resident requires and receives tube feeding. Resident is fed through nasogastric tube or gastrostomy tube regardless of other oral food intake.

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in eating due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

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Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

5) An assessment shall be completed identifying the resident's current level of functioning in eating. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

d) Category 4 - Mobility

1) Base Rate Services

A) Repositioning for comfort;

B) Supervision of ambulatory residents;

C) Redirection of lost and/or wandering residents;

D) Reminders to use handrails;

E) Reminders to use assistive devices correctly;

F) Residents who are totally bedfast; and

G) Assistance in and out of bathtub or shower.

2) Functional

A) Resident needs and receives hands-on assistance with standing, transfer or movement about the facility due to a functional deficit(s) (as determined by physical or psychological causes). Resident can ambulate or move about facility per self once transfer is completed. Or, resident can transfer independently, but staff must assist resident with movement about the facility.

B) Resident requires and receives hands-on assistance to transfer from bed to chair or wheelchair and requires and receives assistance with movement about the facility due to

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a functional deficit(s) (as determined by physical or psychological causes).

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in transferring, ambulation, wheelchair mobility, and/or bed mobility due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in bed mobility, transfer and locomotion. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

e) Category 5 - Contingence

1) Base Rate Services

Stand-by assistance provided, including assisting with clothing, verbal cues, etc.

2) Functional

- A) Resident is incontinent of bladder and/or bowel (includes dribbling).

- B) Resident is assisted to toilet as frequently as indicated by resident need.

3) Restorative Care

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Section 147.25(e)(3) (continued)

Staff has assessed, planned, implemented and monitored, according to individual need, a specific formalized program to assist resident to improve abilities in continence.

4) Maintenance

Restorative care and formalized program continues to be implemented and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in continence. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- 6) Prior to a resident being given credit for restorative care in any program, the following must be met:

- A) An assessment completed by a registered nurse, identifying the resident's current level of functioning, the cause or contributing factors of current incontinence, and a plan developed to increase this level of functioning by the interdisciplinary team.
- B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.
- C) Staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly.
- D) The program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. The care plan review is required by 42 CFR 483.20 (1989)(1990).

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Section 147.25 (continued)

f) Category 6 - Psychosocial/Mental Status

1) Base Rate Services

- A) Occasional behavior intervention for that which the resident has not been assessed or for which no program has been implemented;
- B) Additional reminders for bathing, clothing, grooming and taking medicine;
- C) Explanations and assurances;
- D) Intervention/interaction with family; and
- E) Reminders to attend activities.

2) Functional

Staff has developed and is implementing a specific intervention program that addresses psychosocial needs. This program is monitored by a Qualified Health Professional "QHP" as evidenced by signing off on assessment and response notes, with written recommendations as appropriate in the clinical record. This program must be in the care plan and the resident's response to staff's intervention must be recorded in the clinical record at least monthly. Interventions may occur in 1:1 scheduled counseling sessions, group sessions no larger than eight, or strictly incident intervention. Incident intervention only programs are limited to residents with severe behavior problems which preclude participation in a more structured setting. Incident intervention only must consist of a plan with staff using ongoing specifically identified interventions for identified behavior occurrences. The plan may consist of any combination of the above-mentioned techniques. Interventions must take place at least three times a week.

g) Category 7 - Communication

1) Functional Description

Resident has been assessed, needs and receives special assistance or care as a result of altered sensory reception or transmission including visual, auditory, or speech.

2) Type Code: Frequency Codes

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Section 147.25(g) (continued)

- A) Interventions are developed and implemented to address one communication deficit.
 - B) Interventions are developed and implemented to address two communication deficits.
 - C) Interventions are developed and implemented to address three communication deficits.
 - 3) Approved appliances and assistive devices, including application and care of the appliance, are covered in the appliance category.
 - 4) Interventions must have a comprehensive 7-day-a-week philosophy.
 - 5) Interventions must be monitored by interdisciplinary team.
 - 6) Staff should receive in-service training as required.
 - 7) Interventions must be conducted on an individual resident basis.
- (Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)

Section 147.50 Service Needs

This Section describes the Department's method of reimbursement for nursing costs for service needs through the use of the Resident Assessment Instrument. It further describes therapy services that may be needed by residents that are reimbursable through a separate post-payment audit system.

a) Category 1 - Appliances

1) Type Code: Frequency codes

One or more appliances.

2) Appliances.

Appliances, restricted to the following devices, that the facility staff assist the resident with applying, and/or maintenance/care of the appliance as indicated per physician's or dentist's orders and/or resident plan of care.

A) Hearing device (one or two)

B) Elastic joint supports

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- C) Ted or jobst hose (one or two)
- D) A neck brace
- E) A back brace
- F) Artificial limbs
- G) Trusses (male and female)
- H) Prescribed ACE bandages
- I) Cervical collars
- J) Leg braces
- K) Arm braces
- L) Head braces
- M) Splints
- N) Slings
- O) Contact lens
- P) Artificial eye
- Q) Protective helmet
- R) Cylinder braces
- S) Eyeglasses
- T) Dentures
- U) Electrolarynx
- V) Augmentative communication devices
- W) TENS Unit
- X) Wheelchair cuffs
- Y) ADL adaptive equipment

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- Z) Abductor bar/pillow
- AA) Self-release safety devices
- b) Category 2 - Catheterization
 - Type code: Intensity codes
 - Indwelling, Texas, supra public catheter, intermittent catheterization, including care and irrigation.
- c) Category 3 - Pressure Ulcer Treatment
 - Type code: Intensity codes
 - 1) Resident has been admitted with a stage I or II pressure ulcer.
 - 2) Resident has been admitted with a stage III or IV pressure ulcer.
 - 3) Resident has a Stage I or II pressure ulcer that developed while in the facility.
 - 4) Resident has a Stage III or IV pressure ulcer that developed while in the facility.
- d) Category 4 - Pressure Ulcer Prevention
 - Type code: Intensity codes
 - 1) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the moderate risk category. A comprehensive preventative program as specified in the care plan is implemented and must address, but is not limited to, positioning schedules, range of motion program, nutritional support, and skin measures (i.e., whirlpool, etc.) as determined by facility policy.
 - 2) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the high risk category. A comprehensive preventative program as specified in the resident care plan is implemented and must address, but is not limited to, special mattresses or wheelchair cushions to reduce pressure, a positioning schedule, range of motion program, nutritional support and daily skin checks, and skin care measures (i.e., whirlpool, etc.) as dictated by a facility policy for high risk residents.

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Section 147.50(d)(2) (continued)

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e) Category 5 - Wound Care

i) Category 9 - Medications/Medication Monitoring

Type code: Intensity codes

1) Base Rate Services

1) Dressings and/or skin treatments for noninfected areas.

A) Routine med passes;

2) Complex dressings (such as sterile dressings or post-op) and/or treatment to lesions that are infected.

B) Routine observation for medication side effects;

f) Category 6 - Injections

C) Encouraging residents to take medications;

Type code: Frequency codes

D) PRN medication;

1) Requires and receives injections less than daily but at least once a month, on a regular basis as per physician order.

E) Special monitoring done by licensed or unlicensed personnel with licensed supervision, including vital signs, lab work and clintests that result in few, if any, changes in dosage or medication or amount of assessment necessary.

2) Requires and receives one or more injections daily.

2) Type code: Intensity codes

g) Category 7 - Intravenous Therapy: I.V.'s and Clysis

Type code: Frequency codes

1) Required and received I.V. or clysis for at least 48 hours (intermittent or continuous) during the past six months.

Resident needs and receives medication four times a day or more during off-hours or by multiple routes, and requires routine monitoring to check for untoward reaction or side effects. Also included is a resident who needs and receives medication that requires special monitoring by licensed personnel with need for assessing and reporting to physician if necessary, changes in resident status, lab work, side effects, or apparent drug interactions. This can result in an adjustment of dosage or medication, or in continuing assessment of an unstable condition.

2) Required and received I.V. or clysis seven or more days in past six months.

h) Category 8 - Laboratory-Specimen Service

Type code: Frequency codes

Resident required and facility staff collected one or more of the following: a specimen including blood specimen, urine specimen either by midstream "cleancatch" or by catheter, sputum specimen, stool specimen, swabs of throat, lesions, diabetic urine test, telephonic pacemaker check or electrocardiogram or oximeter or glucometer readings or checking and monitoring of shunts. Specimens collected by an outside lab are not included.

3) Medication Programs

A) Resident is on a supervised program to increase or maintain an acquired level of independent self-administration of medication. The resident's cognitive, physical and visual ability to carry out this responsibility has been assessed by the interdisciplinary team. Nursing staff is responsible for drug storage and for recording self-administration in the resident's medication administration record; or

1) One time in the last six months.

B) Resident is involved in a program to discontinue or reduce psychotropic medication to the lowest possible dose necessary to control symptoms.

2) Once a week.

3) Daily.

j) Category 10 - Occupational Rehabilitation Services

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Section 147.50(j) (continued)

1) Type code: Intensity Code

The occupational rehabilitation program shall be ordered by a physician. It shall be planned and designed specifically for the resident by a registered-occupational therapist registered/licensed (RQT)(OTR/L) (68 Ill. Adm. Code 1315). The program-occupational rehabilitation services program shall be administered by a rehabilitation aide or Certified Occupational Therapist-Assistant ("COTA")-certified occupational therapist assistant/licensed (COTA/L) under the supervision of the (RQT) OTR/L. There shall be a monthly review of progress documented by the RQT-OTR/L, or if written by the COTA COTA/L, co-signed by the RQT-OTR/L.

- 2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

k) Category 11 - Physical Rehabilitation Services

1) Type code: Intensity Code

The physical rehabilitation program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the Registered-Physical-Therapist-(RPT)-physical therapist (PT). The physical rehabilitation services shall be administered by a Physical-Therapy-Assistant-physical therapy assistant (PTA) or a rehabilitation aide under the supervision of the RPT-PT. There shall be a monthly review of the progress documented by the RPT-PT or if written by the PTA, co-signed by the RPT-PT.

- 2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

l) Category 12 - Passive Range of Motion (PROM)

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Section 147.50(1) (continued)

Type code: Frequency Code

Resident requires and receives PROM exercises to at least one extremity at least two times per day.

m) Category 13 - Ostomy Care

Type code: Intensity codes

Includes gastrostomy, ileostomy, jejunostomy and colostomy.

- 1) Uncomplicated care of ostomy (gastrostomy included). Includes routine care and maintenance of the ostomy, i.e., cleansing and appliance change.

- 2) Complex ostomy. Includes post/op operative, ostomies, care of Percutaneous Endoscopic Gastrostomy (PEG) tubes, or an ostomy that, given the patient's overall condition, requires licensed care. All ostomies that have become excoriated or require a prescription medication application are included.

n) Category 14 - Respiratory Therapy

1) Type code: Intensity codes

- A) Uncomplicated provision of these therapies. Resident is capable of administering his/her own respiratory therapy (oxygen and humidity) with minimum assistance from licensed personnel and routine monitoring by staff.

- B) Complex due to the nature of the resident's condition, type procedure or multiplicity of procedures required. Positive pressure breathing therapy, aerosol therapy, etc. and complicated problems with oxygen-humidity is required by resident. Resident is totally dependent upon administration by licensed staff.

- 2) Respiratory therapy includes oxygen, positive pressure breathing therapy, humidity therapy, or aerosol therapy. Postural drainage, percussion or vibration. Room humidifiers are not included.

o) Category 15 - Suctioning

1) Type code: Frequency codes

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Section 147.50(o)(1) (continued)

A) At least twice weekly-Daily.

B) Once or more daily-Twice or more daily.

2) Includes postural drainage, percussion, and vibration.

p) Category 16 - Tracheostomy Care

1) Type code: Intensity codes.

A) Requires routine cleansing of tracheostomy site and non-sterile dressing change. Tracheostomy care managed by staff (see Category 15 - Suctioning).

B) Requires and receives complex care to tracheostomy site more than one time daily which includes the changing of sterile or complex dressings, suctioning or changing of the tracheostomy tube, and/or monitoring of unstable respiratory status (see Category 15 - Suctioning).

2) Includes care of tracheostomy site.

q) Category 17 - Discharge Planning

Type code: Intensity codes

A specific discharge plan has been developed by an interdisciplinary team and reflected in the resident care plan. Includes only residents with discharge anticipated within the next three (3) months to a less restrictive environment. This plan shall include family and other state agency programs where appropriate (i.e., Department on Aging and Department of Rehabilitation Services). Discharge of the resident need not be accomplished provided the plan has been implemented and the services were within the past six months.

r) Category 18 - Health and Fitness Programs

Type code: Intensity Codes.

A health and fitness program has been specifically planned for the resident by a licensed nurse. The fitness program is written on the resident's fitness card. Following the resident's attendance, participation in the specific routine(s) must be recorded on the resident's fitness card. The program is carried out at least three times per week. The resident's response to the program must be

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documented in the clinical record one time per month. Fitness routines should vary based on the resident's physical condition, fitness preferences and plan of care. Programs may be self-monitored. Programs may consist of, but are not limited to walking/fitness trails, flexibility exercises, endurance maintenance, wheel chair pushups, swimming, biking, basketball, baseball, and/or volleyball.

s) Category 19 - Restraint Management and Reduction

Base Rate Services

The resident does not have an assessed need to be physically restrained because of a continuing health, functional or psychosocial condition. A physical restraint may be used temporarily to provide necessary life saving treatment, if there are medical symptoms which are life threatening. A physical restraint may be used for brief periods to allow medical treatment to proceed if there is documented evidence of the resident's or legal representative's approval of the temporary physical restraint. If a temporary physical restraint is needed because of medical symptoms which are life threatening, documented attempts at less restrictive measures prior to application of the physical restraint are not required.

Type Code: Intensity Codes

The resident has been assessed by licensed staff and, for clearly documented reasons which are not life threatening, has been determined to be in need of a physical restraint, the resident, family (if appropriate), guardian or legal representative has consented to the use of the physical restraint. The staff has attempted less restrictive measures and documented the results. Consultation has taken place with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehab certified registered nurse, in the use of less restrictive supportive devices or methods. Where appropriate, the less restrictive measures have been successfully maintained without the use of physical restraints. Where less restrictive measures have not been successful and physical restraints have been applied, the care plan documents the duration, type and circumstances under which the restraint can be used. The restraints are properly applied and the resident is released from the restraint, exercised or ambulated, and repositioned for at least 10 minutes at least every 2 hours, the interdisciplinary team reviewed the continuing need for restraints and that reduction in duration or less restrictive measures have been discussed. As the interdisciplinary team determines, an

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Section 147.50(u)(1) (continued)

individualized restraint reduction program is developed and implemented.

t) Category - Social Services

1) Type Code: Intensity Codes

Resident and/or family and/or guardian counseled on residents rights at admission and reviewed individually with residents and/or family and/or guardian at least annually. Staff orients resident and/or family and/or guardian to facility programs, Medicare/Medicaid programs (including prevention of spousal impoverishment), advance directives, available medical services, community support services, and the resident's personal allowances, and gives assistance to resident in applying for any needed services. Facility ascertains and arranges to secure or provide resident's choice of pastoral care. Resident and/or family and/or guardian are encouraged to participate in care plan conferences. Facility acquaints resident with resident council purpose/functions and encourages participation.

2) To qualify for Level 2, all Level 1 requirements must be in place as well as the following: Resident has participated in a monthly standard social service interview soliciting resident opinions and preferences about defined aspects of the quality of life in the facility. If resident is unable to participate in this interview, a family or guardian interview, in person or by phone, may be done on a monthly basis.

u) Category - Therapy Services

The following therapy services are not to be scored on the DPA 2700. These services are, however, reimbursed on the DPA 1443, Provider Invoice.

1) Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the treatment will improve the resident's functional means of communication. While there is no specific time limit on the duration of these services, improvement of the resident's condition must be evident in the therapist's documentation.

B) Specific Criteria

Resident requires and facility provides a Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Program as ordered by a physician, planned and designed specifically for the resident by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY) and including measurable goals. This program is carried out on a regularly scheduled basis by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY). Progress notes are to be recorded as to the improvement of the resident's condition. This service must be reevaluated monthly by the certified speech-language pathologist/audiologist.

2) Physical Therapy and Related Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the physical therapy and/or the physical rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. The care plan review is required by 42 CFR 483.20 (1989)(1990). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Physical Therapy I

Physical therapy shall be planned and designed specifically for the resident by a physical therapist (PT). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a physical therapist. There must be a review of progress toward goals documented by the PT monthly.

ii) Physical Therapy II

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Section 147.50(u)(2)(B)(ii) (continued)

The physical therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the PT. The direct physical therapy services shall be administered by a physical therapist assistant (PTA) under the supervision of the PT. There shall be a review of the progress documented either by the PT or the PTA monthly. The PT must cosign the PTA's documentation monthly.

iii) Physical Therapy Assessment

Resident has been evaluated, assessed or reassessed by a physical therapist and a specific restorative program developed to increase the resident's functional level. This program is then implemented by the nursing department. This is not scored if the resident is also in any rehabilitation program.

3) Occupational Therapy and Related Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the occupational therapy and/or the occupational rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. (The care plan review is required by 42 CFR 483.20 (4989)(1990)). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Occupational Therapy I

The occupational therapy shall be ordered by a physician. It shall be planned and designed specifically for the resident by a registered occupational therapist registered/licensed (ROT/L). This plan must include measurable goals. The program shall be carried out on a

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regularly scheduled basis by an individual with qualifications of a registered-occupational therapist registered/licensed (ROT/L). There must be a review of progress towards goals documented by the ROT/L every month.

ii) Occupational Therapy II

The occupational therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the ROT/L. The direct occupational therapist-therapy services shall be administered by a certified occupational therapy assistant/licensed (COTA/L) under the supervision of the ROT/L. There shall be a review of the progress documented either by the ROT/L or COTA/L monthly. The ROT/L must cosign the COTA's COTA/L's documentation after-monthly.

iii) Occupational Therapy Assessment

Resident has been evaluated, assessed or reassessed by a registered-occupational therapist registered/licensed (ROT/L) and a specific restorative program developed to increase resident's functional level. This program is then implemented by the nursing department. This is not scored if resident is also in any rehabilitation program.

(Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)

Section 147.75 Definitions

"ADL." Activities of daily living.

"ADL Adaptive Equipment." ADL adaptive equipment refers to any device applied to the hand or arm that allows for independence in eating, grooming, writing, bathing, dressing.

"Agency Note." Clarification for Department staff and providers regarding interpretation of the administrative rule or interpretative guidelines.

"Ambulate." Process of moving from one place to another either on foot (with or without a device) or in a wheelchair or geri chair.

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"Assessment/Reassessment." The process of obtaining and interpreting data by licensed personnel. This data is gathered through record review, specific, direct observation, interview, and the administration of data collection procedures.

The requirement of an assessment/reassessment is indicated for several of the functional and/or service categories. Reference to an assessment does not mean the facility must develop a distinct assessment form for each category. Facilities should be encouraged to conduct a comprehensive assessment with emphasis given to the areas upon which resident programs or care plans will be based.

A reassessment does not require the completion of a new assessment duplicating the comprehensive assessment already conducted. A reassessment requires a focused review of the resident's current status, progress, the continual appropriateness of the program and/or care plan. The individual conducting the reassessment should document findings updating the initial assessment.

"Assistance." Assistance refers to hands-on services by a staff member to help a resident do something such as to dress, eat, etc.

"Augmentative Communication Systems/Devices." Augmentative communication systems and devices encompass a broad range of unaided vs. aided communication systems. Examples of unaided modes of communications are gesturing, sign language, eye pointing and head nod/shake responses. Aided modes of communication may include the use of an eye gaze communication board or an electronic communication device that has speech output or a print tape.

"Base Rate Services." Denotes minimum standard services covered in the base rate.

"Certified Occupational Therapist Assistant/Licensed (COTA)(COTA/L)." Has completed an occupational therapy program of at least two years in length leading to an associate degree or its equivalent approved by the Department of Professional Regulation (DPR) and has successfully completed the examination authorized by DPR (see Ill. Rev. Stat. 1989, ch. 111, pars. 3701 et seq.).

"Clinical Fellow" (CFY). The educational equivalent to a certified Speech-Language Pathologist/Audiologist. This entry level professional is engaged in completion of the Clinical Fellowship

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Year/CFY required for certification as a Speech-Language Pathologist/Audiologist.

"Clinical Record." Any document containing resident specific information. The clinical record includes information on the resident's current status, plans of care and resident's response to care. Flow sheets, treatment sheets and nurses' notes are all components of the clinical record. The clinical record is a permanent document.

"Dependent (totally)." Resident requires the activity of the given area of need to be administered and/or performed by the facility staff and the resident cannot perform the activity himself/herself.

"Fitness Card." A card which includes individual resident data along with planned activities, frequency of activities, necessary monitoring and documentation requirements.

"Flow Sheet." Specialized form designed for staff to record services and/or treatments delivered to residents on a regular basis. Flow sheets are a permanent part of the clinical record.

"Fluidotherapy." A multifunctional modality that simultaneously applies heat, massage, sensory stimulation and pressure oscillation through the use of pulverized corn husks. It is used to decrease pain and edema, increase range of motion and circulation, and heal open or closed wounds. Unlike water, the dry natural media does not irritate the skin or produce thermal shock.

"Intervention." Planned interactions requiring either hands-on or verbal action by staff member. Actions are purposeful with the intent of altering or maintaining a resident's condition. Interventions are documented in resident's individualized plan of care.

"Kardex." A centralized source of information outlining the daily care needs of a resident. The entries made on this record are temporary and are updated as physician's orders or change in the resident's condition dictate. Its primary use is to provide a ready source of information for the direct care staff to use in planning for and prioritizing the resident's daily care.

"Less Restrictive Environment." Discharge to a less restrictive environment entails transfer of a resident from a skilled or intermediate care facility to a facility providing sheltered care or room and board; or discharge of a resident to home, independent

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living arrangement or residential rehabilitation facility or an ICF/15.

"Monitor." Direct observation by staff of a resident for a specific purpose.

"Monthly." Thirty (30) consecutive days.

"Need Not Met." Objective criteria used to verify that services are not rendered or are not effective in meeting residents' needs.

"Normal operations of facility." Daily patterns of staff carrying out their prescribed duties or residents engaging in routine patterns of daily living.

"Occasional." Action that does not occur in a pattern. For example, a resident is occasionally incontinent when he/she, due to medication, certain foods, excitement, etc., may have an accident. However, it is not a consistent pattern.

"Occupational Therapist Registered/Licensed (OTR/L)." A graduate of an occupational therapy program of at least four years in length leading to a baccalaureate degree or its equivalent approved by DPR and that person has successfully completed the examination authorized by DPR (see Ill. Rev. Stat. 1985, ch. 111, pars. 3701 et seq.).

"Off-hours." Refers to medication prescribed by the physician to be given at times other than the facilities routine times for dispensing medications. Off-hour medications should be given for specific purposes (i.e. eye drops, antibiotics, etc.) and should be of a limited duration.

"Paraffin-Paraffin Heat Therapy." A paraffin-paraffin bath is wax which has been completely melted to 126°F - 130°F. This treatment is used to apply heat uniformly to hand, foot, or other body areas to relieve pain, soreness and to relax muscle spasms. The heat relaxes the muscles and stimulates circulation of blood.

"Physical Restraints." Any manual method or physical or mechanical device, material or equipment attached or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Arm and leg restraints, hand mitts, soft ties or vests, wheelchair safety bars and gerichairs are considered physical restraints.

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"Physiatrist." A physician who has specialized in the field of physical, occupational and speech therapies and all exercise and heat modalities for treating orthopedic, neurological and circulatory disturbances.

"Physical Therapist (PT)." Is a person who has graduated from a curriculum in physical therapy approved by DPR and has passed an examination approved by the DPR to determine his fitness for practice as a physical therapist.

"Physical Therapist Assistant (PTA)." Is a person who has graduated from a two year college level program approved by the American Physical Therapy Association; or has two years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service.

"Psychotropic Drugs." Any drugs which are used for anti-psychotic, anti-depressant, anti-manic, sedative-hypnotic, and/or anti-anxiety purposes and which are intended to control mood, mental status or behavior of the resident.

"Qualified Health Professional (QHP)." An educator with a degree in education from an accredited program. A registered physical or occupational therapist. A physician licensed by the State of Illinois to practice medicine or osteopathy. A psychologist with a valid, current Illinois registration. A registered nurse with a valid, current Illinois registration. A registered speech pathologist or audiologist. A person with a Bachelor's Degree in one of the following areas of concentration: social work, applied sociology, applied psychology, or counseling and one year of health care experience in a health care setting. A therapeutic recreation specialist who is certified by the National Council for Therapeutic Recreation Certification. A rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.

"Qualified Mental Health Professional (QMHP)." A person who has at least one year of experience working directly with persons with mental illness and is one of the following: a doctor of medicine or osteopathy; a registered nurse; a psychologist with at least a master's degree in psychology from an accredited school; or an individual who holds at least a bachelor's degree in one of the following professional categories; An occupational therapist or occupational therapy assistant certified by the American Occupational Therapy Association or other comparable body; A social worker with a bachelor's degree from a college or university or graduate degree

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from a school of social work accredited or approved by the Council on Social Work Education or another comparable body; A human services professional including, but not limited to: sociology, special education, rehabilitation counseling and psychology.

"Reassessment."--See Assessment.

"Qualified Social Worker."--An individual with a bachelor's degree in social work or two years of social work supervised experience in a health care setting working directly with individuals, or similar professional qualifications

"Reassessment." See Assessment.

"Registered Occupational Therapist (ROT)."--Is a graduate of an occupational therapy program of at least four years in length leading to a bachelor's degree or its equivalent approved by DPR and that person has successfully completed examination authorized by DPR (see Ill. Rev. Stat., 1985, ch. 111, pars. 3701 et seq.).

"Rehabilitation Nurse." A registered professional nurse who has successfully completed a course approved by the Department of Public Health or documents at least 60 hours of classroom/laboratory training in restorative/rehabilitative nursing. This training must be documented by a transcript, certificate, diploma or other written documentation from an accredited school or recognized accrediting agency such as a state or national organization of nurses or a state licensing authority.

"Rehabilitation services." Rehabilitation services are those related professional therapy services provided by or under the supervision of licensed, certified, or registered personnel, specifically designed for a particular resident to improve the resident's functional abilities. These programs must be individually developed, have the potential to benefit the resident, and be ordered by the resident's physician. At a minimum these services must be provided by a duly qualified, certified nurse aide trained in a rehabilitation program approved by the Department of Public Aid. While there is no specific time limitation for their duration, improvement of the resident's condition should be evident in the resident's record.

"Restorative services." Restorative services are those medical and nursing treatments provided either by or under the supervision of licensed personnel specifically required to maintain or improve a resident's functional condition or prevent further deterioration. These procedures should be reviewed by the facility's

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interdisciplinary team at the time of the care plan review and incorporated into the care plan. Services can include passive range of motion, palliative skin care, positioning, bowel and bladder retraining, ambulation and ADL retraining.

"Skilled services." Resident requires on a daily basis the direct observation, assistance, monitoring, or performance of nursing procedures by a registered nurse or the direct supervision by a registered nurse.

"Supervise." The process of overseeing or directing either staff in the care of the resident or the resident him/herself in performing certain functional or medical tasks. In the case of residents, staff must be present either to instruct, prompt, or to make sure the resident carries out a specific task in such a manner as to complete the task or avoid injury. In the case of staff, it is either direct supervision or the giving of detailed verbal or written instructions on how to carry out a specific procedure for or on a resident.

"T.E.N.S. Unit." Transcutaneous Electrical Nerve Stimulatory (used strictly for pain control).

"Transfer." The process of physically moving a resident from one place to another.

"Verification of Level of Service." Activity by the Department's staff to verify that the level of service, as indicated by the facility, is both needed and received.

"Wheelchair Cuffs." Leather cuffs for quads who need traction on wheelchair rims; fingerless leather with an abrasive strip.

(Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)

Section 147.75 TABLE D Functional Needs and Restorative Care

- a) Category 1 - Bathing/Grooming
- 1) Functional Area

- A) Verification of Level of Service
- i) Kardex, flow sheet or care plan;

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Section 147. TABLE D(a)(1)(A) (continued)

- ii) Observation of resident to determine overall functional ability;
 - iii) Observation of 5-12 residents during bathing to determine level of assistance provided; and
 - iv) Need for hands-on assistance must be supported by assessment/reassessment.
- B) Needs Not Met
- i) Following supplies are not available and/or the facility does not have a method of identifying individual resident supplies. Resident supplies are not stored in a sanitary manner: toothbrush and paste; comb; denture supplies, if appropriate; shavers or razors; washcloth and towels; and soap.
 - ii) Facility does not have available: clippers or scissors for nail care; individualized deodorants; and shampoos.
 - iii) Equipment is not: in good repair; clean; sanitized between resident use; used, as evidenced by resident's appearance.
 - iv) Resident has: dirty or untrimmed nails; dirty or uncombed hair; body odor; a dirty body, includes earwax build up, foreign matter crusted on eyes or mouth, etc.; lack of oral hygiene; and not been shaven (see Agency Note).

C) Agency Note

- i) Consider the time of day, i.e., right after a meal a resident may not be as clean as early morning.
- ii) If the case manager determines the documented level of bathing assistance required by the facility staff is incorrect in more than 25% of the residents checked for verification, the case manager will have to check more residents for verification. (All residents in the facility may have to be checked if the facility does not give accurate information.)
- iii) If resident is not shaved due to personal preference, it should be noted in the Kardex or care plan.

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Section 147. TABLE D(a)(1)(C) (continued)

- iv) Odor related to a medical condition or untreatable cause should not be marked NEED NOT MET, so long as the problem has been identified. The problem is documented in the clinical record and there is an appropriately implemented treatment plan to correct or alleviate the condition.
- 2) Restorative
- A) Verification of Level of Service
- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
 - ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
 - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
 - iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- B) Need Not Met
- i) No assessment/reassessment in the last 90 days.
 - ii) Goals met and new goals not established.
 - iii) Restorative intervention not implemented as specified in the care plan.
 - iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course), and clinical record and care plan do not indicate staff is addressing the lack of progress.

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Section 147.TABLE D(a)(2)(B) (continued)

- vi) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vi) Progress should be noted by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time the program should be revised.
- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- ix) An assessment should be completed identifying the resident's current level of functioning in bathing and grooming. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell

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Section 147.TABLE D(a)(2)(C)(ix) (continued)

whether the individual has progressed in ability or has lost functional ability.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: 1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; 2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; 3) program must be reflected in the resident's care plan; 4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and 5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

3) Restorative Maintenance

A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

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Section 147. TABLE D(a)(3)(A) (continued)

- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
 - iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- C) Needs Not Met
- i) No assessment/reassessment in the last 90 days.
 - ii) Restorative intervention not implemented as specified in the care plan.
 - iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
 - iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

D) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

b) Category 2 - Clothing

1) Functional Level

A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of resident to determine overall functional ability.
- iii) Observation of 5-12 residents during dressing to determine level of assistance provided.
- iv) Need for hands-on assistance must be supported by assessment/reassessment.

B) Need Not Met

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Section 147. TABLE D(b)(1)(B) (continued)

When resident is:

- i) Not wearing clothing that is clean, odor-free, in good repair, well fitting, appropriate to the season, time of day and condition of the resident.
- ii) Not wearing underwear, unless contraindicated.
- iii) Not wearing socks, unless contraindicated.
- iv) Not wearing shoes or slippers, unless contraindicated.
- v) Wearing clothing visibly marked with name.

C) Agency Note

- i) If shoes or slippers are unable to be worn due to physical disability or physician's orders, this must be documented on the Kardex or the care plan.
- ii) Consider time of day, i.e. at 4:00 p.m. clothing may not be as clean as at 8:00 a.m.
- iii) If underwear is contraindicated this must be documented on the Kardex or the care plan.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

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Section 147. TABLE D(b)(2)(A) (continued)

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff addressing the lack of progress.

- v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) Progress should be noted by objective documentation indicating increase in resident's functional level.
- vi) If resident fails to increase his functional ability, after initial improvement, credit will still be given

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Section 147. TABLE D(b)(2)(C)(vi) (continued)

as long as restorative care continues to be carried out in Level 2 Maintenance.

- vii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.

- viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.

- ix) An assessment should be completed identifying the resident's current level of functioning in dressing. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: 1)-an assessment/completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; 2)-a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as need based on outcome and response; 3)-program must be reflected in the resident's care plan; 4)-staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and 5)-the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

3) Restorative Maintenance

- A) Verification of Level of Service

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Section 147. TABLE D(b)(3)(A) (continued)

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
 - ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
 - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
 - iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- B) Needs Not Met
- i) No assessment/reassessment in the last 90 days.
 - ii) Restorative intervention not implemented as specified in the care plan.
 - iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
 - iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

c) Category 3 - Eating

1) Functional Area

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Section 147. TABLE D(c)(1) (continued)

- A) Verification of Level of Service
- i) Kardex or flowsheet or care plan.
 - ii) Observation of resident to determine overall functional ability.
 - iii) Observation of all residents to assure staff is providing assistance as indicated in the Kardex and/or flowsheet and/or care plan.
 - iv) Physician order for tube feeding.
 - v) Need for hands-on assistance must be supported by assessment/reassessment.
- B) Need Not Met
- i) Does not receive the assistance as indicated in the Kardex or flow sheet or care plan or as indicated by observation of the resident.
 - ii) Does not receive diet as ordered, including snacks as scheduled.
 - iii) Does not have adaptive devices available, if indicated in the Kardex and/or flowsheet and/or care plan, i.e. plate guards, built-up spoons and forks and clothing protectors. Adaptive devices are not used appropriately as indicated in the clinical record.
 - iv) Fluids not offered and/or accessible to residents between meals.
 - v) Food not served at appropriate temperature; i.e. warm foods not served warm and cold foods are not served cold as evidenced by resident's response/verbalization and as confirmed by case manager observation.
 - vi) Food appropriate utensils not provided/available.
 - vii) Facility protocol for weighing residents not followed.
 - viii) Facility not following its own protocol and/or written procedures for tube feedings.

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Section 147.TABLE D(c)(1)(B) (continued)

- ix) Weight loss or gain of 5% in one month, 7.5% in three months, 10% in six months or a continuous weight loss or gain over six months not reported to the physician.
- x) Plan for corrective action regarding weight loss or gain not developed or implemented, as per physician order.
- xi) Protocols not available or followed for tube feeding.
- xii) Tube feeding not rendered by licensed personnel.
- xiii) Equipment for tube feedings is soiled or improperly maintained.

C) Agency Note

Protocol must address safety, infection control procedures, I & O, frequency of weighing and should outline steps of tube feeding procedures. If protocol is in question, refer to team Physician Consultant.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a speech language pathologist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

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Section 147.TABLE D(c)(2) (continued)

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist, speech language pathologist, or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff is addressing the lack of progress.
- v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment must address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/ deficits must be stated in specific terms.
- iii) Restorative program must address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks, but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vi) Progress by objective documentation indicating increase in resident's functional level.

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Section 147. TABLE D(c)(2)(C) (continued)

- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program must be revised.
- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- ix) An assessment should be completed identifying the resident's current level of functioning in eating. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: (1)-an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course, or a speech language pathologist; (2)-a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3)-program must be reflected in the resident's care plan; (4)-staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and (5)-the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (4989)(1990)).

3) Restorative Maintenance

A) Verification of Level of Service

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Section 147. TABLE D(c)(3)(A) (continued)

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist or a speech language pathologist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
 - ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
 - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
 - iv) Monthly documentation of resident response by licensed staff or consigned by licensed staff.
- B) Needs Not Met
- i) No assessment/reassessment in the last 90 days.
 - ii) Restorative intervention not implemented as specified in the care plan.
 - iii) Licensed staff's notation of the resident's response not documented at least monthly in the clinical record.
 - iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, speech language pathologist, or registered nurse who has successfully completed an approved rehabilitation course.
- C) Agency Note
- A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

d) Category 4 - Mobility

1) Functional Area

A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of residents to determine overall functional ability and if wheelchair, walkers, or other assistive devices are available and used.
- iii) Residents should be observed being assisted by facility staff, as needed.
- iv) Need for hands on assistance must be supported by assessment/reassessment.

B) Need Not Met

- i) Resident who is not able to change position independently has not been exercised or ambulated and repositioned every two hours.
- ii) Resident is not positioned properly.
- iii) Assistive device is not in proper working order, and/or clean or well fitting i.e. walker, cane, wheelchair, etc.
- iv) The facility does not have, or is not implementing, a plan for monitoring a resident who is unable to use the call bell or the call bell is not within reach of a resident in his or her room who can use the call bell.
- v) Resident needs and does not have assistive device as ordered by a physician.
- vi) Staff do not respond when summoned by a resident for help or assistance.
- vii) Not following physician order on bed rest.

C) Agency Note

- i) Residents who are totally bedfast will be scored Level 0 for mobility.

- ii) If resident is unable to use call bell, care plan or Kardex must indicate staff plan for monitoring resident.
- iii) Bedrest is an order by physician that resident is to be in bed at all times, except up at intervals of no more than one hour up to three times a day, i.e. for meals in room. Scoring will be according to the assistance required and provided.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.

- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) the clinical record,

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Section 147. TABLE D(d)(2)(B) (continued)

and care plan does not indicate staff is addressing the lack of progress.

- v) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vi) Progress by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time they should be revised.
- viii) Resident independent in mobility due to assistive device may qualify for ADL restorative mobility program and PT when program is to assist resident to move to a less restrictive mode of ambulation otherwise an ADL must be scored a 1 or higher.
- ix) An assessment should be completed identifying the resident's current level of functioning in bed

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Section 147. TABLE D(d)(2)(C)(ix) (continued)

mobility, transfer and locomotion. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: (1)-an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; (2)-a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3)-program must be reflected in the resident's care plan; (4)-staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and (5)-the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (4989)(1990)).

3) Restorative Maintenance

A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain

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Section 147. TABLE D(d)(3)(A)(ii) (continued)

measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Needs Not Met

i) No assessment/reassessment in the last 90 days.

ii) Restorative intervention not being implemented as specified in the care plan.

iii) Resident is not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

iv) Licensed nurses' notation of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

e) Category 5 - Continence

1) Functional Area

A) Verification of Level of Service

i) Assessment and care plan or assessment and Kardex.

ii) Observation of resident to determine overall functional ability.

iii) Staff should be observed toileting the resident as per resident assessment (Level 2 only).

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Section 147. TABLE D(e)(1)(A) (continued)

iv) Staff's mechanism to identify resident's need to toilet (Level 2 only).

v) Need for hands-on assistance must be supported by assessment/reassessment.

B) Need Not Met

i) Facility not following its own protocol for a bowel and bladder program.

ii) Resident is allowed to remain wet and/or soiled for prolonged periods of time as demonstrated by skin irritation, dried urine and/or feces stains in bed linen and/or clothing.

iii) Resident is not thoroughly cleaned after episode of incontinence as demonstrated by smell of urine/defecation on body and clothing.

iv) Resident found wet and/or soiled and remains wet and/or soiled thirty minutes after finding.

v) Staff is not immediately responsive to resident's request for toileting.

C) Agency Note

i) For the purpose of this item, Level 2 includes informal B & B programs. Level 2 scores include residents who dribble and are assisted to the bathroom.

ii) If unable to verify level of service through observation of residents being toileted, target 5-12 residents to determine if bed and/or clothing is wet, soiled or if odor of urine or feces is present.

iii) Assessment as indicated means focusing on the portion of the previously completed overall resident assessment which indicates the resident's bowel and bladder capabilities. The assessment reflects the current needs of the resident.

iv) Give zero score for resident who dribbles and changes own continence pads.

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Section 147.TABLE D(e) (continued)

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment/reassessment at least every 90 days with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of the program to ensure that plan is being implemented as specified in the care plan and is individualized to the resident's needs.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment within 90 days.
- ii) Goal met and new goal not established.
- iii) Restorative intervention not implemented as specified in care plan.
- iv) Resident not meeting goal(s) established by the interdisciplinary team and the clinical record and care plan does not indicate staff is addressing the lack of progress.
- v) Staff notations of the resident response to the program is not documented at least monthly in the clinical record.
- vi) Not following facility protocol.
- vii) Has not established facility protocol.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment addresses identification of resident's deficit areas and causes such as medications, mental

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Section 147.TABLE D(e)(2)(C)(ii) (continued)

status, ability to control urine, self-care abilities, mobility, voiding/ elimination patterns/hydration baseline, history of urinary tract infection and the strengths and deficits should be stated in specific terms.

iii) Facility protocol should include types of

incontinence, assessment, plan, implementation measures, evaluation techniques, staff training and monitoring.

iv) Restorative program and approaches should be reflected in the care plan.

v) Restorative programs are limited to residents whose assessment has determined that there is a reasonable likelihood of increasing his or her functional level.

vi) If resident, after initial improvement, fails to continue to increase his/her functional ability, credit will still be given as long as restorative program continues to be carried out (Level 2 Maintenance).

vii) Progress should be noted by objective documentation indicating increase in resident's functional level as compared to initial baseline and/or most recent assessment.

viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.

ix) Resident must be scored a Level 2 (in functional area) in order to qualify for a corresponding ADL Restorative Continence program.

x) The formal program must include, but is not limited to, training/counseling, voiding and elimination pattern records, toileting and hydration.

xi) The training program does not have to be hands-on assistance.

xii) Give zero score for formal bowel and bladder program if facility is not following its own protocol.

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Section 147. TABLE D(e)(2)(C) (continued)

xiii) An assessment should be completed identifying the resident's current level of functioning in continence. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

xiv) Prior to a resident being given credit for restorative care in any program, the following must be met: {1}-an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course; {2}-a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; {3}-program must be reflected in the resident's care plan; {4}-staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and {5}-the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

3) Restorative Maintenance

A) Verification of Level of Service

- i) Restorative assessment/reassessment at least every 90 days with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.

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Section 147. TABLE D(e)(3)(A) (continued)

iii) Monthly documentation of resident response by licensed staff or consigned by licensed staff.

B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Staff notation of the resident's response to the program not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the interdisciplinary team, unless the regression is justified and/or the facility has attempted alternative methods.
- v) Not following facility protocol.
- vi) A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

f) Category 6 - Psychosocial/Mental Status

1) Verification of Level of Service

- A) Observation of actual intervention, i.e. if group, observe group; if 1:1 counseling, observe session; if episodic intervention, observe if possible.
- B) Completed assessment identifying resident's current psychosocial needs.
- C) Staff assessing and implementing programs must be knowledgeable of the individual resident's current program.
- D) Care plan with specific intervention to address identified resident's needs with measurable objectives.
- E) Resident's response to care plan is documented in the clinical record monthly by staff responsible for the program.

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Section 147. TABLE D(f)(1) (continued)

- F) QHP is monitoring psychosocial program as evidenced by signing off on the assessment and response notes, with written recommendations as appropriate in the clinical record.
- G) Attendance sheets for scheduled 1:1 and group sessions.
- H) Program plan for scheduled 1:1 and group sessions.
- I) Episodic intervention and response to intervention is documented in the clinical record every other week.
- 2) Need Not Met
- A) Resident is not meeting goal(s) established by QHP or staff responsible for the program. Progress notes or care plan does not indicate staff is addressing the lack of progress.
- B) Care plan is not adhered to. The resident attended less than 85% of these sessions in the last three months and the clinical record does not indicate resident absence was due to illness or absence from the facility.
- C) Groups are larger than eight.
- D) Group programs or 1:1 have no program plan.
- E) Groups or 1:1 counseling meet less than three times a week.
- F) Documentation of resident's response to intervention is not in the clinical record every month for 1:1 and groups by staff monitoring the program.
- G) QHP is not monitoring psychosocial program as evidenced by absence of signing off on assessment and response notes and there are no written recommendations, as appropriate in the clinical record.
- H) Episodic intervention and resident response to the intervention is not documented every other week in the clinical record.
- I) The assessment for episodic behavior does not include the duration, intensity and frequency of behavior or the precipitating factors and consequences.

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Section 147. TABLE D(f) (continued)

3) Agency Note

- A) Prior to a resident program being given credit for psychosocial/mental status, the following must be met: An assessment should be completed identifying the resident's current psychosocial status. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed or regressed. For episodic intervention, an assessment must include duration, intensity and frequency of behavior. The assessment for episodic behavior must also include precipitating factors and consequences. A reassessment is conducted as indicated in the initial plan. A reassessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response. A program must be reflected in the resident's care plan. Staff carries out the program as indicated by the plan and records such in the clinical record at least monthly. The program is reviewed at the time of the care plan meeting by the interdisciplinary team. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).
- B) Psychosocial assessments and program plans must be completed by staff and signed off on by a QHP who has a working knowledge of the current psychosocial programs being implemented with the individual resident.
- C) Interview questions to the staff assessing and implementing programs would include, but are not limited to, the following:
- i) What program(s) is the resident on?
 - ii) Why is the resident in the program?
 - iii) What is the resident's goal(s)?
 - iv) What is your responsibility in implementing this program (interventions)?
 - v) What is the resident's response to the intervention?

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Section 147. TABLE D(f)(3)(C) (continued)

- vi) If the goal is not achieved, what modifications have been made?
- D) If counseling occurs in groups, individuals must have similar problems and goals.
- E) Progress should be noted by objective documentation indicating an increase in functional capability and/or decrease in maladaptive behavior. These measurable objectives and goals should be clearly indicated on the resident's care plan.
- F) Programs consisting solely of episodic intervention should be reserved for resident with severe behavior problems that preclude participation in more structured programs.
- G) The care plan must be interdisciplinary with approaches as appropriate to the individual resident's need.

g) Category 7 - Communication

- 1) Verification of Level of Service
- A) Assessment.
- B) Monthly response documented and cosigned by qualified health professional.
- C) Interventions developed and implemented by the interdisciplinary team.
- D) Interdisciplinary care plan interventions.
- E) Observation of interventions performed.
- 2) Need Not Met
- A) Staff not carrying out interventions as defined in interdisciplinary care plan.
- B) Clinical record does not indicate resident response to intervention monthly by qualified health professional cosignature.

3) Agency Note

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Section 147. TABLE D(g)(3) (continued)

- A) Approved appliances and assistive devices, including application and care of the appliance, are covered in the appliance category.
- B) Interventions must have a comprehensive, seven day a week philosophy and must be implemented at each opportunity on a daily basis.
- C) Interventions must be monitored by interdisciplinary team.
- D) Staff should receive in-service training, as required.
- E) Interventions must be conducted on an individual resident basis.

(Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)

Section 147. TABLE E Service

a) Category 1 - Appliances

1) Verification of Level of Service

- A) Physician order
- B) Care plan or Kardex
- C) Documentation must include:
- i) Type of appliance;
- ii) When to apply; and
- iii) Care/maintenance.
- D) Observation of resident wearing appliance and indication that staff assists either with application and/or cleaning or maintenance.
- 2) Need Not Met
- A) Physician has ordered appliance and facility has not complied with physician order.

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Section 147.TABLE E(a)(2) (continued)

- B) Appliance is not in use as indicated by observation.
- C) Appliance does not fit properly.
- D) Appliance is dirty.
- E) Appliance is nonfunctional and clinical record does not indicate date of dysfunction or plans for correction.

3) Agency Note

No physician order necessary for appliances resident has on admission, i.e., eyeglasses, dentures.

b) Category 2 - Catheterization

1) Verification of Level of Service

- A) Physician order
- B) Care plan or flowsheet or Kardex.
- C) Observation of resident noting type of catheter.

D) Documentation must include:

- i) Type of catheter;
- ii) Care and maintenance;
- iii) Frequency of intermittent catheterization; and
- iv) Output for indwelling catheter.

2) Need Not Met

- A) Facility does not have protocols for catheterization and catheter care.
- B) Facility not following its own protocol or physician order for catheterization, catheter care or I & O.
- C) Signs of inflammation at insertion site or penile irritation from Texas catheter without clinical record reflecting date of observation; plan of care indicated.

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Section 147.TABLE E(b)(2) (continued)

- D) Tubing and/or bag improperly positioned and/or maintained.
- E) Urine sedimentation or urine not clear and clinical record does not indicate observation and subsequent plan of action.
- F) Catheterization rendered by nonlicensed personnel.

3) Agency Note

- A) Protocol must address when intake or output is required.
- B) Protocol must address infection control.
- C) Intermittent catheterization means daily catheterization.
- D) Urine sedimentation would include blood, mucus and/or other matter.

F) Leg bags can be applied by CNA trained in process when allowed by facility protocol.

G) Facility protocol should address:

- i) Ongoing inservice education of direct care staff; and
- ii) Ongoing monitoring of technique of direct care staff.

c) Category 3 - Pressure Ulcer Treatment

1) Verification of Level of Service

- A) Physician's order
- B) Care plan or Treatment Plan
- C) Observation of pressure ulcer

2) Need Not Met

- A) Resident has a pressure ulcer and the facility is not addressing with treatment or preventative program.
- B) Clinical record does not reflect current wound status.
- C) Specific treatment plan not being followed.

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Section 147. TABLE E(c)(2) (continued)

- D) Treatment not implemented by licensed personnel.
- E) Facility does not have or follow protocol for pressure ulcer management including notification of physician when pressure ulcer develops or when change in pressure ulcer occurs. Management program must include a resident assessment which addresses the following points:
- i) Turning and positioning;
 - ii) Nutritional support;
 - iii) Nutritional assessment;
 - iv) ROM;
 - v) Supportive devices; and
 - vi) Infection control.
- 3) Agency Note
- A) Staging of pressure ulcers:
- i) Stage 1-I - A persistent area of skin redness (without a break in the skin) that does not disappear when pressure is relieved.
 - ii) Stage 2-II - A partial thickness loss of skin layers that presents clinically as an abrasion, blister or shallow crater.
 - iii) Stage 3-III - A full thickness of skin is lost, exposing the subcutaneous tissues, presents as a deep crater with or without undermining adjacent tissue.
 - iv) Stage 4-IV - A full thickness of skin and subcutaneous tissue is lost, exposing muscle and/or bone.
- B) A Stage 1-I pressure ulcer can be suspected if a reddened area does not disappear 30 minutes after pressure is relieved.
- C) The skin of a Stage 2-II ulcer may appear bluish or dusky in color.

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Section 147. TABLE E(c)(3) (continued)

- D) Conditions that may be confused with pressure ulcers: stasis ulcers; vasculitic ulcers; amputation stump breakdown; other open skin lesions such as basal cell carcinomas, burns, etc.; skin rashes, including diaper rash; and fungal infections.
- E) Score PROM, if it is being carried out according to the guidelines under PROM.
- F) Admission or risk assessment must indicate where pressure ulcer developed.
- d) Category 4 - Pressure Ulcer Prevention
- 1) Verification of Level of Service
 - A) Assessment to indicate level of risk and reassessment per preventative plan.
 - B) Preventative plan is in care plan.
 - C) Observation of the resident to verify that the preventative plan is being carried out.
- 2) Need Not Met
- A) Individualized pressure ulcer preventative plan is not in care plan.
 - B) Skin is not intact or signs of breakdown are present and the clinical record does not indicate observation and subsequent change of treatment plan.
 - C) Preventative treatment plan not implemented.
 - D) Facility is not following pressure ulcer preventative policy and procedures.
 - E) Frequency of reassessments must be at least every 90 days, or more frequently if condition changes.
- 3) Agency Note
- A) Preventative plan must address:

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Section 147.TABLE E(d)(3)(A) (continued)

- i) Frequency of observations of skin condition and documentation in the clinical record; and
- ii) Which type of staff should provide this care.
- B) Assessment instruments must be standardized and must differentiate between moderate and high risk.
- C) Score PROM if it is being carried out according to the guidelines under PROM.
- D) If an individualized preventative plan is in question, refer to team physician.

e) Category 5 - Wound Care

1) Verification of Level of Service

- A) Physician's order
- B) Treatment plan, care plan, Kardex or treatment sheet.
- C) Observation of wound and treatment being given.
- 2) Need Not Met
- A) Treatment not implemented using aseptic technique or as indicated in physician's order.
- B) Care not performed by licensed personnel.
- C) Wound present with no indication facility staff is aware of wound.

D) Clinical record does not reflect current status of the wound.

E) Physician is not notified of wound or change in wound status.

F) Frequency of the documentation and observation of the wound status is not addressed in the individual treatment plan.

G) No facility policy and procedure for wound care, including infection control.

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Section 147.TABLE E(e)(2) (continued)

- H) Infection control procedures not followed as per facility policy.

3) Agency Note

A) Wound care (treatment of skin lesion, other than a pressure ulcer) may include wet packs, soaks, whirlpools for open lesions, or ointments when ordered by a physician and applied to lesions.

B) "Friction burns" or abrasions resulting from repetitive friction are included in this category as are stasis ulcers, rashes, skin tears.

C) Frequency of the documentation and observation of the wound status must be addressed in treatment plan until the wound is healed.

f) Category 6 - Injections

1) Verification of Level of Service

- A) Physician order
- B) Nurse's signature or initials must follow documentation of administration of injection.

2) Need Not Met

A) Facility not following physician order.

B) Injection site not documented or injection not documented as given.

C) Injection site not free of signs of inflammation/irritation and the clinical record does not reflect this observation and there is no subsequent plan of action.

D) Injection site not rotated according to facility protocol or facility has no protocol for rotation of injection sites.

3) Agency Note

A) Yearly injections not included, i.e., flu shots, mantoux, etc.

Section 147. TABLE E(f)(3) (continued)

- B) Credit is given for all other injections if the service is received within the last six months.

g) Category 7 - Intravenous Therapy: I.V.s and Clysis

1) Verification of Level of Service

- A) Physician's order

- B) Nurse's signature or initials on medication or treatment record.

2) Need Not Met

- A) Insertion site not free of inflammation and the clinical record does not reflect this observation and a subsequent plan of care.

- B) I.V. tubing and dressing changes not done in accordance with facility's protocol.

- C) Facility does not have protocols for I.V.s or clysis.

- D) Facility does not follow it's own protocol on I.V.s or clysis.

- E) I.V. fluids or medications not documented as given per physician orders.

- F) Intake and output not recorded and monitored while on I.V. therapy.

3) Agency Note

- A) If I.V. is for hydration purposes, the clinical record should include documentation as to p.o. hydration attempts and resident's poor response.

- B) Credit is to be given for I.V.s or clysis if the service was received within the last six months.

- C) Hickman Catheter, Groshong Catheter and heparin locks are included in this category.

h) Category 8 - Laboratory-Specimen Service

Section 147. TABLE E(h) (continued)

1) Verification of Level of Service

- A) Physician order.

- B) Documentation that specimen was obtained by staff.

- C) Lab results conveyed to physician according to facility protocol.

2) Need Not Met

- A) Specimen not collected at specified times.

- B) Facility has no lab protocol.

- C) Staff does not adhere to facility's protocol for subsequent actions following receipt of laboratory report.

- D) Physician orders lab and facility does not complete.

- E) Site from which specimen is drawn not rotated according to facility protocol or facility has no protocol for rotation of sites.

3) Agency Note

- A) Protocol should address:

- i) Level of staff who will collect each type of specimen;

- ii) How specimens should be stored prior to testing;

- iii) How licensed staff is informed of results of lab specimens collected by unlicensed staff; and

- iv) How licensed staff document action taken with specimen results.

- B) Routine voided specimens are scored here.

- C) A physician referral should be made when a case manager questions whether lab work is necessary.

i) Category 9 - Medications/Medication Monitoring

- 1) Verification of Level of Service

- A) Physician order
 - B) Nurse's signature or initials on the medication record following administration of medicine.
 - C) Monthly documentation of pharmacist's review.
 - D) Assessment/reassessment at least every 90 days with program noted on care plan (Level 2 only).
 - E) Monthly documentation of resident response to self-medication program or psychotropic drug program by licensed nursing staff (Level 2 only).
- 2) Need Not Met
- A) Facility does not have a protocol for self-medication or psychotropic drug management.
 - B) Facility has not established medication protocol.
 - C) Facility does not follow medication protocol as established.
 - D) PRN medication given and reason for administration and response is not documented.
 - E) Clinical record does not indicate resident's allergy, if applicable.
 - F) Resident not given adequate hydration following ingestion of medications unless medications given with solids.
 - G) Medication not documented as given and no documentation of reason medication was withheld held.
 - H) Medication not given within one (1) hour of scheduled time.
 - I) Medication monitoring is not consistent.
 - J) Medicated patches and topical medications are not rotated.
 - K) On comprehensive assessment, the resident indicated a preference for self-medication (documented in clinical record) but the staff did not place the resident in a program for self-medication or self-medication training and

- the clinical record does not reflect the interdisciplinary team's reason for denial of self-medication (Level 2 only).
- L) Resident is self-medicating or on a training program for self-medication. Clinical record does not reflect monthly documentation of resident response to program; OR medication is not stored properly; OR medications are not documented as self-administered on medication administration record (Level 2 only).
 - M) Not following program plan as indicated on care plan (Level 2 only).
 - N) Not following protocol for self-medication administration (Level 2 only).
 - O) Not following protocol for psychotropic management program (Level 2 only).
 - P) No monthly note by licensed nurse for self-medication or psychotropic drug management program (Level 2 only).
- 3) Agency Notes
- A) While there is no specific time limit on the duration of med monitoring, there must be evidence that the resident has not stabilized.
 - B) Medications are scored the day of the survey unless a routine pattern has been established, i.e., every three days or every other day.
 - C) Monitoring for injections is covered under the injections category.
 - D) If the case manager wants verification from team physician as to whether special monitoring is necessary, mark physician referral.
 - E) Example of "off hours or by multiple routes":
 - i) Oral medication given at 10 a.m., 3 p.m., 7 p.m., and 11 p.m.;
 - ii) Eye drops administered in left eye in the morning, in addition to oral medications; and

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Section 147. TABLE E(i)(3)(E) (continued)

- iii) Application of topical medications, i.e., nitro pads, nitro paste, estrogen patches, etc., or the use of an oral inhaler, i.e., Proventhal, Alupent, Aerobid, etc.
- F) If resident is now free of psychotropic drugs as a result of the drug reduction program, he/she may continue to be scored a Level 2. The monthly progress note should address symptoms/alternate behavior interventions as well as resident response to the program.
- G) Credit should be given on Level 2 for self-medication when the program includes teaching the steps which lead to increased resident independence with regard to medications, i.e., the resident knowing the times of different medications, identifying the correct medication by sight and by purpose or name, knowing side effects to report to the doctor or nurse, physically taking the medication, etc.
- H) Psychotropic medications shall not be administered for purposes of discipline or staff convenience and when not required to treat the resident's medical symptoms.
- I) To qualify for a psychotropic drug program (Level 2), at least the following elements must be in place:
 - i) Annual assessment with quarterly assessment reviews to reexamine need for dosage and type of medications to be given.
 - ii) Care plan goals/approaches which include behavioral programming and/or dose reduction. Behavioral programming means modification of the resident's behavior and/or the resident's environment, including staff approaches to care, to the largest degree possible to accommodate the resident's behavioral disturbances.
 - iii) Quarterly care plan review to determine if modifications are necessary.
 - iv) Monthly review by pharmacist to look at resident response to the medications to detect problems, i.e., excessive PRN usage, demonstration of side effects, nontherapeutic blood levels, etc., and report such to DON and/or physician.

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Section 147. TABLE E(i)(3)(I) (continued)

- v) Ongoing observation and at least monthly documentation of resident reaction to medication(s) including possible side effects or other problems by licensed nursing staff.
- J) Not all psychotropic medications are appropriate for dose reduction or behavioral programming and, therefore, would not qualify for scoring under Level 2.
- K) A plan for increased independence in self-medication must be developed on all medications a resident receives; however, a resident does not have to demonstrate successful self-medicating progress for all medications prescribed in order to receive credit for Level 2.
- L) Credit for Level 2 self-medication is also given for any resident who has successfully learned to self-medicate (with nurse monitoring) or who has successfully learned steps toward increased independence in the area of medication and is maintained at that level. Resident continues to be assessed for increased independence and a monthly documentation indicates the resident response. Eye drops, antacids, etc., can be included under self-medication if prescribed by a physician and not given on PRN basis.
- M) Resident may receive credit on both Level 2 medication and for psychosocial programming.
- N) The facility must employ or obtain the services of a licensed pharmacist who provides consultation on all aspects of pharmacy services in the facility.
- O) The drug regimen of each resident must be reviewed at least once a month by a licensed pharmacist who must report any irregularities to the attending physician and the director of nursing, and these reports must be acted upon.
- P) Facility protocol for psychotropic drug programs should include, but is not limited to, graduated dose reduction and behavioral programming, unless clinically contraindicated, in an effort to discontinue these drugs.
- Q) Commonly prescribed psychotropic drugs:

Section 147. TABLE E(i)(3)(Q) (continued)

Table A. Antipsychotic (Neuroleptic) Drugs

Generic Name	Brand Name
Chlorpromazine	Thorazine
Promazine	Sparine
Trifluoperazine	Vesprin
Thioridazine	Mellaril
Mesoridazine	Serentil
Acetophenazine	Tindal
Perphenazine	Trilafon
Loxapine	Loxitane
Molindone	Moban
Trifluoperazine	Stelazine
Thiothixene	Navane
Fluphenazine	Prolixin, Permitil
Deconate	Prolixin Deconate
Haloperidol	Haldol
Haloperidol	Haldol Deconate
Deconate	Inapsine
Droperidol	Taractan
Chlorprothixene	Orap
Pimozide	

Table B. Antidepressant Drugs

Generic Name	Brand Name
CYCLIC ANTIDEPRESSANT	
Imipramine	Tofranil
Desipramine	Norpramin
Doxepin	Adapin, Sinequan
Generic Name	Brand Name
Amitriptyline	Elavil, Triavil
Nortriptyline	Aventyl, Pamelor
Amoxapine*	Asendin
Maprotiline	Ludiomil
Fluoxetine	Prozac
TRIAZOLOPYRIDINE ANTIDEPRESSANT	
Trazodone	Desyrel
MAO INHIBITORS*	
Phenelzine	Nardil
Tranylcypromine	Parnate

Section 147. TABLE E(i)(3)(Q) (continued)

Table B. Antidepressant Drugs

PHENYLAMINOKETONE	
Bupropion	Wellbutrin
*	Also a neuroleptic drug with all the neuroleptic side effects.
+	Special diet required; many drug interactions.

Table C. Antianxiety and Hypnotic Drugs

Generic Name	Brand Name
BENZODIAZEPINES	
Oxazepam	Serax
Lorazepam	Ativan
Alprazolam	Xanax
Chlorodiazepoxide	Librium
Diazepam	Valium
Chlorazepate	Tranxene
Flurazepam	Dalmane
BARBITURATES	
ANTIHISTAMINES	
Hydroxyzine	Vistaril
OTHER	
Buspirone	Buspar

Table D. Antimanic

Generic Name	Brand Name
Lithium Carbonate	Eskalith
	Lithonate
	Lithane
	Lithotabs
	Lithobid (slow release)
	Eskalith CR (controlled release)
	Cibalith-S
Lithium Citrate	

Serum lithium determinations recommended once or twice weekly during treatment of acute manic episode until serum concentrations and patient's clinical condition have stabilized; recommended at least every 2 to 3 months during remission when patient is stabilized.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Section 147. TABLE E(i)(3)(Q) (continued)

Table E. Antipsychotics should not be used if one or more of the following is/are the only indication(s):

- Wandering
- Simple pacing
- Crying out, yelling or screaming if such behaviors do not cause an impairment in functional capacity or if they are not quantitatively documented by the facility
- Poor self care
- Restlessness
- Impaired memory
- Anxiety
- Depression
- Insomnia
- Unsociability
- Indifference to surroundings
- Fidgeting
- Nervousness
- Uncooperativeness
- PRN use greater than 5 doses in a seven day period without a review of the resident's condition by a physician
- Unspecified agitation

R) Psychotropic drugs refer to drugs which are used for antipsychotic, antidepressant, antimanic, sedative-hypnotic and/or antianxiety purposes and which are intended to control mood, mental status or behavior of the resident.

j) Category 10 - Occupational Rehabilitative Services

- 1) Verification of Level of Service
 - A) Physician order
 - B) Assessment and program planned by the therapist.
 - C) Observation of ~~GOTA-COTA/L~~ or rehabilitation aide conducting therapy sessions.
 - D) Monthly review of progress documented by the ~~{RGT}-OTR/L~~ or, if written by the ~~GOTA-COTA/L~~, co-signed by the ~~{RGT}-OTR/L~~.
 - E) Assessment every 90 days.

Section 147. TABLE E(j)(1) (continued)

F) Corresponding ADL or psychosocial (for MI diagnosis) program has been developed and implemented.

2) Need Not Met

- A) When plan is not implemented as specified by the therapist.
- B) Goals are not designed to increase resident's functional capabilities.
- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
- D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility.
- E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position.

3) Agency Note

- A) Reimbursement for this item includes assessment done by registered ~~RGT~~ OTR/L.
- B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable ~~RGT-OTR/L~~ objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.

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Section 147. TABLE E(j)(3) (continued)

- G) Prior to a resident being given credit in occupational rehabilitative services, the following must be met:
- i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
 - ii) The occupational rehabilitation aide must be a certified nurse's aide, or have a related degree, or two years of college in a related field, or an approved 36 hour activity course and has received specified training as outlined and approved by the Department of Public Aid.
 - iii) For residents with a diagnosis of mental illness, if occupational rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.

k) Category 11 - Physical Rehabilitation Services

- 1) Verification of Level of Service
 - A) Physician order.
 - B) Assessment and program planned by the therapist.
 - C) Observation of PTA or rehabilitation aide conducting therapy sessions.
 - D) Monthly review progress documented by the RPT-PT or, if written by the PTA, co-signed by the-RPT PT.
 - E) Assessment every 90 days.
 - F) Corresponding ADL program or psychosocial (for MI diagnosis) program has been developed and implemented.
- 2) Need Not Met
 - A) When plan is not implemented as specified by the therapist.
 - B) Goals are not designed to increase resident's functional capabilities.

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Section 147. TABLE E(k)(2) (continued)

- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
 - D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility.
 - E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position.
- 3) Agency Note
- A) Reimbursement for this item includes assessment done by registered PT.
 - B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
 - C) If progress was not made within two months and goals or interventions were not changed, do not score.
 - D) Progress should be noted by standard acceptable PT objective measures.
 - E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
 - F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.
 - G) Prior to a resident being given credit in physical rehabilitation services, the following must be met:
 - i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.

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Section 147. TABLE E(k)(3) (continued)

- ii) The physical rehabilitation aide must be a certified nurse aide, or have completed at least one year of nurses training and have received specified training as outlined and approved by the Illinois Department of Public Aid.
- iii) For residents with a diagnosis of mental illness, if physical rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.

1) Category 12 - Passive Range of Motion (PROM)

1) Verification of Level of Service

A) Care plan or Treatment Sheet.

B) Observation of resident to determine overall ability to use extremities.

C) Observation of staff actually performing PROM and indication that plan is carried out regularly and routinely.

D) Residents with existing contractures must have physician's orders although PROM for most residents does not require a physician's order.

E) Monthly documentation of resident's response to intervention in clinical record. Documentation may be done by the staff providing the service.

2) Need Not Met

A) Facility has no PROM protocol.

B) The plan as indicated on the care plan or Treatment Sheet is not being implemented and documented.

C) Documentation of resident's response to intervention is not documented in clinical record at least monthly.

D) Resident has contractures or is at risk of developing contractures that are not being addressed.

3) Agency Note

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Section 147. TABLE E(l)(3) (continued)

A) PROM that is also part of a pressure ulcer treatment and/or prevention program will be scored in both places.

B) The required documentation should reflect the resident's response to treatment, i.e., resident is able to raise arm shoulder level; the resident remains contracture free.

C) PROM protocol must address:

- i) On-going inservice education of direct care staff; and
- ii) On-going monitoring of PROM technique of direct care staff.

D) CNA may document response to PROM if cosigned by licensed staff.

m) Category 13 - Ostomy Care

1) Verification of Level of Service

A) Physician order

B) Observation of ostomy care and a review of the treatment plan.

2) Need Not Met

A) Facility does not have protocol for ostomy care.

B) Staff does not adhere to physician's orders or facility's protocol and written procedures for ostomy care and maintenance.

C) Excoriation observed with no indication in the clinical record and the plan of care is not altered.

D) Care not performed by licensed personnel, other than routine change of colostomy bag.

3) Agency Note

A) Colostomy bag can be changed by a CNA trained in ostomy care when allowed by facility protocol (level 1 only).

B) Facility protocol should address:

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Section 147. TABLE E(n)(3)(C) (continued)

- ii) Infection control procedures;
- iii) Staff training required to carry out these services; and
- iv) Frequency for assessment of respiratory status should be recorded in the clinical record.
- v) Conditions or diagnoses which are indications and contraindications for the use of postural drainage, percussion and vibration.
- vi) ~~Score-if-oxygen-required-and-received-within-last-six months.---in-this-case-observation-is-not-necessary.~~
- vii) Intensity code scoring is to reflect current level of needs
- viii) Licensed personnel who carry out postural drainage, percussion and vibration shall have ongoing in service training by a respiratory therapist.
- ix) The use of postural drainage, percussion and vibration is restricted to those residents who produce 30cc or more of secretions daily.
- x) A physician's order for postural drainage, percussion and vibration can be for a maximum of 30 days. The physician is then required to reevaluate the resident before a new order is written.
- xi) Suctioning which is done in conjunction with postural drainage, percussion and vibration is not to be scored under the suctioning category.
- xii) The care plan for residents who are in a program of postural drainage, percussion and vibration must include a pulmonary hygiene program which includes, but is not limited to, the following:
 - i) Hydration
 - ii) Nutrition
 - iii) Rest

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Section 147. TABLE E(m)(3) (continued)

- n) Ongoing inservice education of direct care staff; and
- ii) Ongoing monitoring of technique of direct care staff.
- Category 14 - Respiratory Therapy
- 1) Verification of Level of Service
- A) Physician order must include: delivery system, oxygen flow rate and/or frequency of IPPB treatments, postural drainage, percussion and/or vibration and use of suctioning in conjunction with these therapies, if indicated.
- B) Observation of therapy.
- C) Documentation of procedure and results by licensed staff (Level 2).
- D) Monthly progress note by licensed staff (Level 2).
- 2) Need Not Met
- A) Facility does not have protocol for respiratory therapy.
- B) Respiratory therapy protocol is not being followed.
- C) Treatment is ordered, but not carried out as specified.
- D) Equipment soiled and/or nonfunctional or not available.
- E) Respiratory therapy not performed by licensed staff (Level 2).
- F) No monthly progress note by licensed staff (Level 2).
- 3) Agency Note
- A) Level 1 resident is capable of administering own therapy.
- B) Level 2 resident is totally dependent upon licensed staff for administration.
- C) Protocol should address:
- i) Which staff provide which type service;

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Section 147. TABLE E(n)(3)(I) (continued)

o) Category 15 - Suctioning

1) Verification of Level of Service

A) Physician order.

B) Observe treatment.

2) Need Not Met

A) Facility does not have protocol for suctioning.

B) Staff does not follow facility protocol.

C) Care not performed by licensed personnel.

D) Equipment soiled and/or nonfunctional and/or not readily available.

3) Agency Note

A) Facility's protocol should address guidelines for maintaining sterility and/or cleanliness of catheters.

B) Suctioning done during tracheostomy care is included as part of tracheostomy care. Additional suctioning must be done at other times to be scored here.

C) Review last 30 days documentation to score this section.

D) Facility must have protocol on postural drainage, percussion and vibration. Suctioning done in conjunction with postural drainage, percussion and vibration is not to be scored under the suctioning category.

p) Category 16 - Tracheostomy Care

1) Verification of Level of Service

Physician order.

2) Need Not Met

A) Facility has no tracheostomy care protocol.

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Section 147. TABLE E(p)(2) (continued)

B) Staff does not follow physician's order or facility's protocol for tracheostomy care.

C) Care not performed by licensed personnel.

D) An extra tracheostomy tube, the same size as the one in place, is not available at the bedside.

E) Tracheostomy care is not documented.

F) Equipment soiled and/or nonfunctional and/or not readily available.

3) Agency Note

A) Protocol should address:

i) Training licensed staff must have prior to providing this service;

ii) Guidelines for infection control;

iii) Frequency for observations of ostomy site and respiratory status should be recorded in the clinical record; and

iv) Guidelines for maintaining sterility and/or cleanliness of catheters.

B) Only suctioning done during tracheostomy care is scored here.

q) Category 17 - Discharge Planning

1) Verification of Level of Service

A) Care plan.

B) Indication plan is being followed.

2) Need Not Met

Plan not being followed.

3) Agency Note

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Section 147. TABLE E(q)(3) (continued)

A) Discharge must be to less restrictive environment, i.e., shelter care, room and board or independent living arrangements and anticipated within three (3) months.

B) Credit may be given for discharge planning if the service was received within the last six (6) months.

r) Category 18 - Health & Fitness Program

1) Verification of Level of Service

A) Fitness card

B) Observation of program to see that the plan is being carried out as written on the fitness card.

2) Need Not Met

A) Health and Fitness program developed by unlicensed staff.

B) Plan not carried out.

C) Equipment required to carry out fitness program, as required on the fitness card, is soiled and/or nonfunctioning, or is not available.

D) The resident's response to intervention is not documented in the clinical record once a month.

E) Groups are larger than six (6) unless activity is a team sport.

3) Agency Note

A) The program may also be developed by an Occupational Therapist, Physical Therapist, Certified Therapeutic Recreation Specialist, a Physician or Physiologist.

B) Do not score when resident does not carry out fitness program an average of three (3) times per week.

C) Activity programs including exercises must be separate and apart from health and fitness.

D) Fitness programs must address all extremities, unless contraindicated.

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Section 147. TABLE E(r)(3) (continued)

E) Unlicensed staff may document response to Health and Fitness Program if cosigned by licensed staff.

s) Category 19 - Restraint Management and Reduction

1) Verification of Level of Service

A) Physician order

B) Assessment/reassessment at least every 90 days with program noted on care plan

C) Observation of resident

D) Monthly documentation of resident response cosigned by licensed staff

2) Need Not Met

A) A resident is physically restrained and there is no documentation of consultation with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehabilitation certified registered nurse, in the use of less restrictive supportive devices or methods.

B) Protocol not developed for restraint reduction and restraint management.

C) The resident is physically restrained and there is no documentation of consultation and agreement by the resident, family, if appropriate, guardian or legal representative to the use of restraints.

D) A resident is physically restrained and there is no assessment/documentation to justify restraint.

E) The restrained resident is not released at least every two hours for at least ten minutes, repositioned and exercised and/or ambulated and/or toileted and/or checked for skin redness and/or given nutrition/ hydration as required.

F) Restraints are not applied according to physician order.

G) Resident restrained without physician order.

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Section 147. TABLE E(s)(2) (continued)

- H) Restraint reduction program not implemented as specified in care plan.
- I) Resident not meeting goals of the restraint reduction program and the clinical record does not indicate that the staff is addressing the lack of progress.
- J) Resident response to restraint or reduction program is not documented in the clinical record at least monthly, reassessment not completed every 90 days, or not cosigned by licensed staff.
- K) Restraint device is not clean, found to be in ill repair, or improperly sized.
- L) Restraint device is not properly applied.
- M) Facility not following protocol for care application, maintenance and reduction of each type of restraint used.
- N) A resident placed in restraint is not checked at least every 30 minutes by staff trained in the use of restraints.
- 3) Agency Note
- A) Residents who are free of restraints because of alternative programming are still eligible for scoring on Level 1, providing the quarterly reassessment continues to indicate that the specific staff intervention is needed to maintain the resident free of restraints, the need and intervention is specified in the care plan, and monthly documentation of resident response to intervention continues.
- B) This item cannot be scored and a need not met can be given if:
- i) There is no physician order for the use of a restraint and the resident is restrained; OR
 - ii) The restrained resident is not in a restraint program and the restraint is improperly applied; OR
 - iii) The restrained resident is not in a restraint program and is not released at least every two hours for at least ten minutes, repositioned and exercised and/or

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Section 147. TABLE E(s)(3)(B)(iii) (continued)

- ambulated and/or toileted and/or checked for skin redness and/or given nutrition/hydration as required.
- C) The facility must not issue orders for restraint on a standing or as needed basis.
- D) Assessment includes, but is not limited to:
- i) Reason for use of the restraint.
 - ii) Documentation of attempts made (if any)-in ways of using less restrictive measures and why they were unsuccessful.
 - iii) Address communication needs and functional abilities.
- E) Care plan includes, but is not limited to:
- i) Alternative interventions used in place of restraints.
 - ii) If restraint must be used, include: reason for use of the restraint; type(s) of restraint used; duration and time of day restraint is used; location of resident when restrained, i.e., own room in bed, chair in hall, etc.; and under what circumstances are restraints being used, i.e., when left alone, after family leaves, when not involved in structured activity, when eating.
 - iii) Address communication needs and functional abilities.
- F) Monthly response note should address functional and mental status of resident before, during and after use of restraints. Documentation of attempts made in ways of using less restrictive measures and why they were unsuccessful.
- G) Physician order should include:
- i) Reason for restraint;
 - ii) Length of time restraint is to be used; and
 - iii) Type of restraint to be used.

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Section 147. TABLE E(s)(3) (continued)

- H) A resident should be released from restraints as soon as there is no longer a need.
- I) A resident should not be physically or chemically restrained for the purpose of discipline or staff convenience.
- J) Restraint usage should be periodically reevaluated and efforts to eliminate use of restraint should be attempted and documented in the clinical record. When the restraint usage is reevaluated, the functional status of the resident should be reviewed to ensure that no loss of function has occurred as a result of restraint usage. If a loss of function can be attributed to the use of the restraint, the facility should take prompt action to review restraint use with the physician to discuss alternative treatment.

(Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)

Section 147. TABLE G Therapy Services

- a) Category - Speech Language Pathology and Audiology (SLP/A) Rehabilitative Services

1) Verification of Level of Service

- A) Observation of treatment and monthly therapist review documentation. This review documentation must indicate progress.

B) Assessment.

C) Speech Pathologist's or Audiologist's treatment notes.

D) Monthly Reevaluation.

2) Agency Note

- A) The nurse must verify the accuracy of this record by checking the clinical record of 25% of the residents in treatment, verifying both that services were delivered and progress was made. If progress was not made, only allow two months of treatment.

- B) If progress was made, therapy can continue.

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Section 147. TABLE G(a)(2) (continued)

- C) Progress must be noted by standard speech therapist/audiologist objective measures.
- D) Goals must be designed to increase resident's functional means of communication and/or ability to swallow.
- E) Treatment sessions should be one-on-one; however, groups of two are acceptable if residents' goals and functional levels are similar.

b) Category - Physical Therapy and Related Rehabilitative Services

1) Verification of Level of Service

A) Physical Therapy I

i) Physician-order.

iii) Observation of PT conducting therapy sessions.

- iii) Physical therapist's (PT) documentation of resident's progress toward goals monthly.

iv) Assessment by PT.

B) Physical Therapy II

i) Physician order.

ii) Physical therapy program planned by PT.

iii) Observation of PTA conducting therapy sessions.

- iv) Physical Therapist Assistant (PTA) documentation of resident's progress toward goals monthly.

- v) PT reviews and cosigns PTA's documentation of progress monthly.

vi) Assessment by PT.

2) Agency Note

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Section 147.TABLE G(b)(2) (continued)

- A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments indicated below.
- i) PT 1 - 2 Weeks
 - ii) PT 2 - 3 Weeks
- B) If progress was made, therapy can continue.
- C) Progress should be noted by standard acceptable PT objective.
- D) Staffing ratios for therapies is PT 1 - 1:1.5 (per 98 minutes) and PT 2 - 1:1.5 (per 98 minutes).
- c) Category - Physical Therapy Assessment
- 1) Verification of Level of Service
 - A) PT written assessment.
 - B) Program designed by PT to increase resident's functional level.
 - C) Therapist's signature on assessment and reassessment.
 - D) A reassessment of progress and program as indicated in the restorative program by PT.
 - E) Documentation, by the nursing department, in the clinical record of resident's response to the interventions.
 - 2) Agency Note
 - A) Assessment time is included in minutes allotted for level 1, 2 and 3 therapies.
 - B) Assessment time is limited to 28 minutes per resident per month.
 - d) Category - Occupational Therapy and Related Rehabilitative Services
 - 1) Verification of Level of Service

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Section 147.TABLE G(d)(1) (continued)

- A) Occupational Therapy I
 - i) Physician order.
 - ii) Observation of RGT-OTR/L conducting therapy sessions.
 - iii) Registered-occupational-therapist's-(RGT)-Occupational therapist registered/licensed (OTR/L) documentation of resident's progress toward goals monthly.
 - iv) Assessments by-RGT-OTR/L.
- B) Occupational Therapy II
 - i) Physician order.
 - ii) Occupational therapy program planned by RGT-OTR/L.
 - iii) Observation of GOTA-COTA/L conducting therapy sessions.
 - iv) Certified occupational therapy assistant/licensed (GOTA)(COTA/L) documentation of resident's progress toward goals monthly.
 - v) RGT-OTR/L reviews and cosigns GOTA-s-COTA/L's documentation of progress monthly.
 - vi) Assessment by-RGT-OTR/L.
- 2) Agency Note
 - A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments as indicated below.
 - i) OT 1 - 2 Weeks
 - ii) OT 2 - 3 Weeks
 - B) If progress was made, therapy can continue.
 - C) Progress should be noted by standard acceptable OT objective measures.

Section 147. TABLE G(d)(2) (continued)				
	ITEM	CODING SPECIFICATIONS	AGENCY NOTE	
e)	D)	Use of Paraffin Heat Treatments, Fluidio Therapy, whirlpool may be scored when ordered by physician and carried out.		physician initially establishes the plan of care through the history, physical exam, functional level, objectives, orders and plans for continuing care and discharge. This includes the resident care plan.
	E)	Staffing ratios for therapies is OT 1 - 1.5 (per 98 minutes) and OT 2 - 1:1.5 (per 98 minutes).		
		Category - Occupational Therapy Assessment		
	1)	Verification of Level of Service		
	A)	Physician order.		
	B)	ROT-OTR/L written assessment.		
	C)	Program designed by resident's functional level.		
	D)	Therapist's signature on assessment and reassessment.		
	E)	A reassessment of progress and program as indicated in the restorative program by ROT-OTR/L.		
	F)	Documentation, by the nursing department, in the clinical record of resident's response to the interventions.		
2)	Agency Note			
	A)	Assessment time is included in minutes allotted for level 1, 2 and 3 therapies.		
	B)	Assessment time is limited to 28 minutes per resident per month.		
(Source: Amended at 16 Ill. Reg. 14233, effective August 31, 1992)				
Section 147. TABLE L Personal Information				
Indicated below are requirements and corresponding time frames which must be met by Long Term Care facilities and will be verified by the case manager during the Inspection of Care survey.				
1)	Plan of care	Y = The plan of care is up-to-date according	At the time of admission, the	
NOTE: See Form 2448, Physician Certification or an alternate form in the medical record. If alternative form used, location of current certification must be documented on DPA 2448. If items 11-14 are marked "N", make a facility referral.				

AMENDED 10/05/92

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 147. TABLE L (continued)

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
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at required intervals.

Certification if after
the date of admission
and if no eligible date
is on 2448; or

Eligible date is before
signature date; or

No Recipient Identification
Number and/or no Case
Identification Number.

3) Physician's
progress notes/
visits

Y = Progress notes for skilled
care must be updated once
every 30 days for the first
90 days following admission.
After the first 90 day
period has passed, an
alternate review schedule
may be adopted. Alternate
review schedules of
progress notes must not
exceed 60 days. A
physician visit is considered
timely if it occurs not
later than 10 days after
the date the visit was
required.

Y = Progress notes for
intermediate care must
be updated once every
30 days for the first
90 days after admission
and at least once every
60 days thereafter. A
physician visit is
considered timely if it
occurs not later than
10 days after the date
the visit was required.

DEPARTMENT OF PUBLIC AID
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Section 147. TABLE L (continued)

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
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N = Progress notes not updated
within required intervals
listed above.

4) Physician's
medication
review

Y = Physician has reviewed
medications within the
last 30 days for SNF and
90 days for ICF residents.

N = Physician has not reviewed
medications at required
intervals.

(Source: Added at 16 Ill. Reg. 14233, effective August 31, 1992)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.140	Amendments
390.150	Amendments
390.330	Amendments
390.1040	Amendments
390.3000	Amendments
390.3310	Amendments
390.3510	Amendments

Adopted Action:4) Statutory Authority:Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.5) Effective Date of Rules:

September 3, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No XIf "yes," please specify date: 7) Does this Rulemaking Contain Any Incorporations By Reference?Yes No XIf "yes," please specify type: 6.02(a) or 6.02(b) If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No 8) Date Filed in Agency's Principal Office:

September 3, 1992

DEPARTMENT OF PUBLIC HEALTH
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December 27, 1991 - 15 Ill. Reg. 18407

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes No X

If "yes," please complete the following:

A) Statement of Objection: Ill. Reg. B) Agency Response: Ill. Reg. C) Date Agency Response Submitted for Approval to the Joint Committee: 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1) References to the 1989 Illinois Revised Statutes and 1990 Supplement were updated to the 1991 Illinois Revised Statutes.

2) In Section 390.330, the definition of "physical therapy assistant" was changed to "physical therapist assistant" to conform to Section 1 of "An Act in relation to physical therapy."

3) Section 390.640 was deleted from the rulemaking because legislation that became effective on January 1, 1992, necessitates an additional change in the statutory language, which the Department plans to include in a subsequent rulemaking, which is currently being drafted.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Section 390.3000(l) was amended to state: "The building in which a facility is located shall have no other business that is unrelated to health care and that constitutes a hazard or annoyance to the residents. The business shall be in a segregated portion of the building and shall have a separate entrance."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

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- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

- 14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

- 15) Summary and Purpose of Rules:

The rules in Part 390 govern the licensure of long-term care facilities that provide long-term care to persons under age 22. These amendments include technical changes as well as addressing issues encountered by the Department in implementing the rules.

Section 390.140 - A misquotation of statutory language is being corrected. In addition, subsection (c) is being amended to delete the word "written" in regard to approval by the Department for the operator to begin operation of the facility prior to actual receipt of the license certificate.

Section 390.150 - These changes are the same as those being made in Section 390.140.

Section 390.330 - The definition of "Facility or Long-Term Care Facility" is being amended to reflect amendments to the Nursing Home Care Act made by Public Act 86-1244, effective January 1, 1991. In the definition of "Nursing Unit," the term "distinct part" is being changed to "designated area" to eliminate confusion with a distinct part as that term is defined in the rules. In addition, statutory citations are updated.

Section 390.640 - A misquotation of statutory language is being corrected, and statutory citations are being added.

Section 390.1040 - The Department is deleting the requirement that a facility must have less than 50 bed capacity in order to receive approval from the Department to have two nurses share the duties of the director of nursing. Because the conditions for approval as set forth in the rule are very specific, the Department believes that any facility that meets the conditions should receive approval for the shared position, regardless of the size of the facility. The Department is also changing the requirements concerning when a registered nurse must be on duty in a facility.

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Rather than being required to work the day shift, the registered nurse will be required to work 8 consecutive hours. By leaving the choice of the RN's shift to the facility the Department will enable the facility better to meet the needs of its residents. The Department is also deleting a redundant sentence in subsection (a). The word "surveyor" is also being changed to "Department" in subsection (f) because the actions described are not necessarily performed by the surveyor.

Section 390.3000 - The Department is amending this Section to clarify its policies governing the presence of other businesses in buildings containing existing long-term care facilities so that the requirements are consistent with those in Parts 300, 330 and 350, and with the requirements for new facilities in Section 390.2700.

Section 390.3310 - This Section is being amended to correct statutory language.

Section 390.3510 - An incorrect cross-reference is being corrected in subsection (b)(6).

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licenses
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT,
AND BEHAVIOR EMERGENCIES

Section	
390.1310	Restraints and Safety Devices
390.1320	Behavior Management

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Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT,
AND BEHAVIOR EMERGENCIES

Section	
390.1310	Restraints and Safety Devices
390.1320	Behavior Management

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390.1330 Behavior Emergencies

SUBPART G: MEDICATIONS

Section
390.1410 Medication Policies and Procedures
390.1420 Conformance with Physician's Orders
390.1430 Administration of Medication
390.1440 Labeling and Storage of Medications
390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
390.1610 Resident Record Requirements
390.1620 Content of Medical Records
390.1630 Confidentiality of Resident's Records
390.1640 Records Pertaining to Residents' Property
390.1650 Retention and Transfer of Resident Records
390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
390.1680 Retention of Facility Records
390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Adequacy of Diet and Meal Pattern
390.1860 Infant and Therapeutic Diets
390.1870 Scheduling Meals
390.1880 Menu Planning
390.1890 Food Preparation and Service
390.1900 Preparation of Infant Formula
390.1910 Food Handling Sanitation
390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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Section
390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section
390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section
390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

- d) If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)
- d) If the applicant is found not to be in compliance but satisfactory progress is being made toward compliance, a second probationary license of up to 120 days may be issued. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)
- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992)

Section 390.150 Issuance of an Initial License Due to a Change of Ownership

- a) Upon receipt and review of an application for a license, the Director shall issue a probationary license if he finds:
- 1) The applicant is a person responsible and suitable to operate or to direct or to participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five years;
 - 2) The facility is under the supervision of an administrator who is licensed under the Nursing Home Administrators Licensing and Disciplinary Act; and
 - 3) The facility is in substantial compliance with the Act and this Part. (Section 3-109 of the Act)
- b) Whenever ownership of a facility is transferred from the person named in a license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer. (Section 3-112 of the Act)
- c) The transferor shall notify the Department at least 30 days prior to final transfer. The transferor shall remain responsible for the operation of the facility until such time as the license is issued to the new transferee. (Section 3-112 of the Act)
- d) The license granted to the transferee shall be subject to any plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the previous owner. If there are outstanding violations and no plan of correction has been submitted by the facility and approved by the Department, the Department may issue a conditional license and plan of correction as provided in Sections 3-311 through

- 3-317 of the Act in place of a probationary license. (Section 3-113 of the Act)
- e) The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership. (Section 3-114 of the Act)
- f) The Department will issue a probationary license for 120 days from the date of issuance. The Department will issue a probationary license for 120 days from the date of issuance. (Section 3-116 of the Act)
- g) Within 30 days prior to the termination of a probationary license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for license, shall issue a license under Section 3-109 of the Act. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

g) During the 120 days of the probationary license, the Department shall conduct an investigation of the applicant within 30 days of the termination of the probationary license to determine whether or not the applicant then complies, and if not, whether in compliance, the probationary license will be replaced with a full status license. If not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

h) If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

h) If the applicant is found not to be in compliance but satisfactory progress is being made toward compliance, a second probationary license of up to 120 days may be issued. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992)

Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

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Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 4151-103.1-103 of the Act)

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 3-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1909 1991, ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed

services, and remove barriers to meeting the individual's needs.

Affiliate means:

With respect to a partnership, each partner thereof.
With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

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Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident

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throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1999 1991, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which: is attributable to a mental or physical impairment or combination of mental and physical impairments or combination of mental and physical impairments;

is manifest before age 22; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activities:

- self-care;
- receptive and expressive language;
- learning;
- mobility;
- self-direction;
- capacity for independent living; and
- economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other

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services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has 1 year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or his designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

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Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services, shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded and who have a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

Facility or long-term care facility - a private home, institution, building, residence, or any other place, whether operated for profit

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or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code ~~the County-Home Act~~ (Ill. Rev. Stat. 1989 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq. ~~347-par-5361-et-seq-1, as-now-or--hereafter-amended-7~~ ~~or-by-a-county-pursuant-to-An-Act-in-relation-to-homes-for-the-aged~~ ~~(Ill.-Rev.-Stat-1989, ch-347-par-3561-et-seq-17 as---now-or--here after--amended-7~~ or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1396 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 142 et seq.); ~~as-now-or--hereafter-amended-7-or~~

Any "facility for child care" as defined in the Child Care Act of 1969 (Ill. Rev. Stat. 1989 1991, ch. 23, par. 2211 et seq.); ~~as now-or--hereafter-amended-7-or~~

Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4181 et seq.);

Any "Community Residential Alternative" as defined in the Community Residential Alternatives Licensing Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.);

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety; ~~or--(Section-1-113-of the-Act)~~

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.). (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when

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used in these standards is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care and oversight.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 (Ill. Rev. Stat. 1989 1991, ch. 110 1/2, par. 1-1 et seq.); ~~as-now-or hereafter-amended.~~ (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

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Disciplinary Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3651 et seq.) ~~as now or hereafter amended~~.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Monitor - a qualified person placed in a facility by the Department

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Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation, incorporated under or qualified as a foreign corporation, under the General Not For Profit Corporation Act of 1986 ~~as herebefore or hereafter amended~~ (Ill. Rev. Stat. 1989 1991, ch. 32, par. 101.01 et seq.) or, by a county pursuant to Division 5-22 of the Counties Code ~~an Act in relation to homes for the aged~~ ~~as herebefore or hereafter amended~~ (Ill. Rev. Stat. 1989 1991, ch. 34, par. 5-22001 3561 et seq.) ~~74~~ or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and

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to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Multidisciplinary - see Interdisciplinary Team.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3501 et seq.) as now or hereafter amended. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area distinct-part of a facility consisting of all the beds within the designated area distinct-part, but having no more than 75 beds, none of which are more

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than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing, who because of age, physical or mental disability, emotional or behavior disorder, or mental retardation is incapable of maintaining a private, independent residence, or who is incapable of managing his person whether or not a guardian has been appointed. (Section 1-120 of the Act)

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Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4121 et seq.).

Physical Therapy Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

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Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable visiting hours - any time between the hours of 10:00 a.m. and 8:00 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

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Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical or emotional handicap.

Mechanical restraint is any mechanical device, or use thereof, that so restricts movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use of any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding 15 minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered care - maintenance and personal care. (Section 1-124 of the

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Act)

Social Worker, Qualified - A person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 6351 et seq.); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Masters Degree); and has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution; or immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.280(q)(8), 390.280(k)(2) and 390.280(k)(4).

Substantial failure - the failure to meet requirements other than a

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variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 390.180(b)(1) and 390.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each

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distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992.)

Section 390.1040 Nursing Services

a) The facility shall have a written program of Nursing Services, providing for a planned medical program, encompassing nursing treatments, rehabilitation and habilitation nursing, skilled observations, and ongoing evaluation and coordination of the resident's individual habilitation plan.

b) There shall be a sufficient number of nursing and auxiliary personnel on duty 24 hours each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents. There shall be at least one registered nurse seven days a week on the day shift. There shall be at least one registered nurse or licensed practical nurse on duty at all times and on each floor housing residents. Nursing staff personnel shall include registered professional nurses, licensed practical nurses, and auxiliary personnel as defined in Section 390.330 of this Part. (A, B)

c) Director of Nursing Service. There shall be a director of nursing who shall be a registered nurse. (B)

d) The director of nursing shall have knowledge and training in nursing service administration, restorative and habilitative nursing. (B)

e) The director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled some time between 7 A.M. and 7 P.M. (B)

1) A facility of less than 50-bed capacity may, with written approval from the Department, have two registered nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of registered nurses in the area.

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The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of registered nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time. If two persons are to share the position, one shall be designated the Director of Nursing Services and the other shall be designated the Assistant Director of Nursing Services. Both of these persons shall be R.N.'s.

- 2) In facilities with a capacity of less than 50 beds, this person (or these persons), may also provide direct patient care, and this person's time may be included in meeting the staff/resident ratio requirements.

- f) In facilities of 100 occupied beds or more, there shall be an assistant director of nursing who is a registered nurse licensed to practice in Illinois. The assistant must meet the qualifications specified in subsection (d) of this Section. (B)

- g) The assistant director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant need not work on the day shift but may be assigned to any shift. (B)

- h) The assistant director of nursing shall assist the director in carrying out her responsibilities. (B)

- i) The responsibilities of the director of nursing shall include, at a minimum, the following: (B)

- 1) Assigning and directing the activities of nursing and auxiliary service personnel.

- 2) Planning an up-to-date resident care plan for each resident in cooperation with the interdisciplinary team based on individual needs and goals to be accomplished, physician's orders, and personal care and nursing needs. Services such as nursing, developmental, activities, dietary, and such other modalities as are ordered by the physician, shall be reflected in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed every three months.

- 3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

- 4) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.

- 5) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing and auxiliary personnel.

- 6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative and habilitative services

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offered.

- 7) Planning of inservice education, embracing orientation, skill training, and ongoing education for all nursing personnel covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative and habilitative nursing techniques through out-of-facility or in-facility training programs. The director of nursing may conduct these programs personally or see to it that they are carried out.

- 8) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 390.610(a).)

- 9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

- j) Nursing, Personal, Habilitative Rehabilitative Care. Nursing care (including personal, habilitative and rehabilitative care measures) shall be practiced on a 24 hour, seven day a week basis in the care of residents. Those procedures requiring medical approval shall be ordered by the attending physician. (B)

- k) Nursing care shall include at a minimum the following:

- 1) All medications including oral, rectal, hypodermic, and intra-muscular shall be properly administered. (A, B)

- 2) All treatment such as: enemas, irrigations, catheterizations, applications of dressing or bandages, supervision of special diets, restorative and habilitative measures in Section 390.1620(a)(11) and other treatments involving a like level of skill, shall be properly administered. (A, B)

- 3) All objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical, nursing or psychosocial evaluation and treatment shall be provided. (B)

- l) Each resident shall have his temperature taken daily unless otherwise ordered by the physician. If the temperature varies two degrees from the normal for the resident, the physician shall be notified. (B)

- m) Skin care shall be given to prevent pressure sores, heat rashes or other skin breakdown. Each resident with pressure sores, heat rashes or other skin breakdown shall be checked at least every two hours and given care as needed including clothing and diaper change. Skin care shall be given with each diaper change. (B)

- n) Skin care should be provided as follows: (B)

- 1) Bathing, clean linens, diapers, and clothing each time the bed or clothing is soiled. Rubber, plastic, or other types of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the resident. If rubber, plastic, or other type of waterproof materials are used for protective pants, they shall not come in

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- eat in an as upright position as possible and out of bed unless contraindicated. (B)
- x) Each incontinent resident shall be assisted in regaining bowel and bladder patterns through proper bowel and bladder training or retraining. The use of indwelling catheters shall be discouraged. (B)
- y) All residents shall be encouraged and, when necessary, taught to function at their maximum level in all activities of daily living for as long as and to the degree that they are able. (B)
- z) All residents shall be assisted and encouraged with daily ambulation unless otherwise ordered by the physician. (B)
- aa) All residents shall be taught and assisted with safe transfer activities in an effort to help them retain, regain, or gain their maximum level of independence. (B)
- bb) Staffing. Staffing shall be based on the needs of the residents, and shall be determined by figuring the number of hours of personal and rehabilitative time each resident needs on each shift of the day. This determination shall be made separately for both licensed nursing personnel and other personal and rehabilitative care personnel. Personal and rehabilitative personnel may include, in addition to licensed nurses, such persons as aides, orderlies, therapists, teachers, and any other person providing direct rehabilitative care to residents. (A, B)
- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours of care that must be provided are reduced proportionately.
- 2) It is the responsibility of each facility to determine the staffing needed to meet the needs of its residents. It is the responsibility of the Department to verify that the staffing provided by the facility is sufficient to meet the needs of the residents.
- 3) The following figures apply to hours of care actually provided and not to hours of care scheduled to be provided.
- 4) Each resident shall be provided with a minimum of four hours of personal and rehabilitative care each day. The director of nursing shall not be included in hours of personal and rehabilitative care provided.
- 5) The facility shall schedule personnel in such a manner that the needs of all residents are met. At least 30 percent of the minimum required hours shall be on the day shift, at least 30 percent of the minimum required hours shall be on the evening shift, and at least ten percent of the minimum required hours shall be on the night shift. The total percentage must add up to 100 percent each day. At least 12.5 percent of the hours of care provided on each shift must be by licensed nursing personnel. Licensed nursing personnel may be used to replace other personal and rehabilitative care staff if the needs of the residents are met by such staffing.
- 6) Staffing Calculations
- direct contact with the resident. Special attention shall be given to the skin to prevent irritations, skin rashes, or ulcerations. (B)
- 2) Assistance in being up and out of bed as much as the condition of the resident permits. The resident may be denied this assistance only upon the written order of his physician. If the resident cannot move himself, he shall have his position changed every two hours or more as necessary.
- o) All necessary precautions shall be taken to assure the safety of residents at all times, such as: nonslip wax on floors, side rails on beds, safe equipment and assistive devices properly maintained, and proper use of safety devices. [See Section 390.2020(a)(2).] (A, B)
- p) Each resident shall perform all of the following personal care functions independently if possible. If unable to do so, assistance shall be provided by staff. (B)
- 1) Each resident shall bathe as often as necessary, but at least daily.
- 2) Each resident shall change clothing as often as necessary, but at least at least daily.
- 3) Each resident shall shampoo as often as necessary, but at least weekly.
- 4) Each resident shall clean and trim fingernails and toenails as often as necessary but at least weekly.
- 5) Each resident shall perform oral hygiene as often as necessary, but at least daily.
- 6) Each female resident shall be provided with commercial sanitary napkins during menses. Frequent cleansing of the perineal area shall be performed.
- q) Haircuts shall be provided as needed. Socially acceptable hair styles and the wishes of the resident must be taken into consideration. (B)
- r) Each resident shall dress in street clothing and be out of bed at all times other than regularly scheduled sleeping or napping hours, unless contraindicated. (B)
- s) Adaptive equipment shall be provided to ensure the safety of the resident (such as seat belts, helmets, mitts, and special padding). (B)
- t) Each resident shall be weighed upon admission and at least once a week thereafter unless otherwise ordered in writing by the physician. Any significant change shall be reported to the attending physician and dietitian. (B)
- u) Each resident shall be encouraged and, if necessary, assisted in maintaining good body alignment while lying in bed, sitting or standing, through proper positioning and turning. (B)
- v) Each resident shall be assisted in maintaining maximum joint range of motion, and active range of motion through proper exercises. (B)
- w) Each resident shall be trained and encouraged to adopt food habits as near as possible to normal. Residents shall receive solids, unless otherwise ordered in writing by the physician. Each resident shall

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- A) When computing the number of staff hours needed per shift, any figure less than .25 will be dropped from the computation and any figure of .75 or higher will go to the next higher number. Figures in between .25 and .75 will require at least the amount of coverage indicated: .25 will require two hours of coverage; .3 will require two and one half hours of coverage; .5 will require four hours of coverage; .6 will require five hours of coverage; .74 will require six hours of coverage; .75 or higher will require eight hours of coverage.
- B) These hours may be provided by: a part-time person working those hours only on that shift each day; a full-time person working a shift that spans two regular shifts - i.e. (such as from 12 noon to 8 P.M.); or by an additional full-time person on the shift. However, these figures are minimal staffing requirements, and it is recommended that a full-time person be provided.

cc) Additional requirements. In addition to the other requirements of this Section, the following also apply:

- 1) There shall be a licensed nurse designated as being in charge of nursing services on all shifts when neither the director of nursing or assistant director of nursing are on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this person shall be a registered nurse. This person may be a charge nurse on one of the nursing units. ~~The director--of--nursing--or--assistant--director--of--nursing--will--of--course--be--in--charge--of--nursing---services---during---those---shifts when--they--are---on--duty---(A7-B7)~~
- 2) There shall be at least one person awake, dressed and on duty at all times in each separate nursing unit. (A, B)
- 3) There shall be at least one registered nurse on duty seven days per week, 8 consecutive hours on-the-day-shift. (A, B)
- 4) There shall be at least one registered nurse or licensed practical nurse on duty at all times. (A, B)
- 5) There shall be at least one registered nurse or licensed practical nurse on duty on each floor housing residents. (A, B)
- 6) The need for licensed nurses on each nursing unit will be determined on an individual case basis, dependent upon the individual situation. If such additional staffing is required, the Department ~~surveyor~~ will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.
- 7) The need for an additional licensed nurse to serve as a "house supervisor" will be determined on an individual case basis. If the Department ~~surveyor~~ determines that there is a need for a registered nurse on certain shifts whose sole duties will consist of supervising the nursing services of the facility, the Department ~~surveyor~~ shall notify the facility in writing when and why such a person is needed. This person shall not

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perform the duties of a charge nurse while serving as the "house supervisor".

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992.)

Section 390.3000 General Building Requirements

a) Elevators

- 1) Provide a minimum of one elevator in all buildings of three or more stories in height. Additional elevators shall be provided as determined by the Department, based on the number, population, and condition of the residents. The lowest level, if it is used by residents, shall be considered as one story.
- 2) If 60 to 200 beds, cribs and bassinets are located above the second floor, at least one additional elevator shall be provided. If over 200 beds, cribs and bassinets are located above the second floor, the number of additional elevators shall be determined by the Department.
- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a resident according to physician's orders using existing elevators and elevator doors.

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one and one-half inches in diameter and one and one-half inches minimum clear of the wall. Refer to the rules of Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for other acceptable handrail dimensions and details. (B)
- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and sitz bath. Refer to the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for grab bar dimensions and details. (B)
- 3) Handrails and grab bars shall be installed at a height to meet the special needs of the residents of each facility. (B)

c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight feet ceiling height.
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have not less than seven feet, eight inches ceiling height.
- 3) Suspended tracks, rails and pipes located in the path of traffic shall not be less than six feet, eight inches above the floor.

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B)
- 2) Door Alarm System. (See Section 390.3040(f).)
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the

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room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B)

- 4) The doors for the toilet rooms used by residents shall have a minimum door width of 30 inches. (B)
 - 5) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress from the room. (B)
 - 6) Thresholds or parting strips in doorways used by residents shall be in accordance with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (77 Ill. Adm. Code code 400).
 - 7) Doors and windows shall fit snugly and be weather tight, and shall open and close easily.
 - 8) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices.
- e) Floors
- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. (B)
 - 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. (B)
- f) Walls and Ceilings
- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning.
 - 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin.
- g) Exit corridor walls shall be one hour fire rated construction. Adjoining open spaces shall not be greater than six hundred (600) square feet. Provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. (B)
- h) There shall be at least one approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building extinguishers located so a person will not have to travel more than 50 feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (B)
- i) Approved containers with proper covers shall be provided for daily storage of rubbish. (B)
- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. (B)
- k) Comply with any reasonable additional fire protection measures or recommended by the Department over and above these requirements or

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the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. (B)

- 1) The building in which a facility is located Facilities shall have no other business that in the building which is unrelated to health care and that constitutes a hazard or annoyance to the residents. In any case--the The business shall be in a segregated portion of the building and shall have a separate entrance and must be approved by the Department--Such approval will be granted only when it can be shown that the business will not interfere in any way with the residents. (A, B)

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992.)

Section 390.3310 Complaint Procedures

- a) A resident shall be permitted to present grievances on behalf of himself and others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever. (Section 2-212 2-112 of the Act)
- b) The facility administrator shall provide all residents or their representatives with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged. (Section 2-212 2-112 of the Act)
- c) A person who believes that the Act or a rule promulgated under the Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, or by personal visit. An oral complaint shall be reduced to writing by the Department. (Section 3-702(a) of the Act)
- d) The substance of the complaint shall be provided in writing to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility which takes place pursuant to the complaint. (Section 3-702(b) of the Act)
- e) The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility. (Section 3-702(c) of the Act)
- f) Upon receipt of a complaint, the Department shall determine whether the Act or a rule promulgated under the Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within seven days after the receipt of the complaint except the that complaints of abuse or neglect which indicate that a

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resident's life or safety is in imminent danger shall be investigated within 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint. All complaints shall be classified as "an invalid report," "a valid report," or "an undetermined report." ~~"valid-or-invalid"~~ For any complaint classified as "a valid report," ~~"valid"~~ the Department must determine within 30 working days if any rule or provision of the ~~this~~ Act has been or is being violated. (Section 3-702(d) of the Act)

- g) Upon the request of a resident or complainant, the Department may permit the resident or complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility pursuant to the complaint. (Section 3-702(c) of the Act)
- h) In all cases, the Department shall inform the complainant of its findings within ten days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include contents or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within ten days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the inspection report; the ~~or~~ warning notice, if any; and the State licensure form on which the violation is listed. (Section 3-702(e) of the Act)
- i) A written determination, correction order, or warning notice concerning a complaint shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without his consent. (Section 3-702(f) of the Act)
- j) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under subsection (k) of this Section ~~subsection-(k)-of-this-Section~~. The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under ~~subsection--(k)-of-this-Section~~ subsection (k) of this Section which concerns a matter covered by a complaint, the complainant shall be given ~~written~~ written notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings ~~as-described-in-subsection-(k)-of-this-Section~~ as described in subsection (i) of this Section. Upon receipt of the request the Department shall conduct a hearing as provided under subsection (k) of this Section ~~subsection-(k)-of-this-Section~~. (Section 3-702(g) of the Act)
- k) Any person aggrieved by a decision of the Department rendered in a particular case which affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

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- 1) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at Ill. Reg. 14329, effective September 3, 1992.)

Section 390.3510 Day Care in Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.

- b) In addition, the following criteria must also be met:

- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.
- 2) Space:
 - A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Sections 390.2670 or 390.2970 of this Part.
 - B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 390.2670 or 390.2970 of this Part.
 - C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include.
 - i) Facilities having more than one communal area (such as a lounge and sunporch) could designate one of these for rest areas;
 - ii) Non-occupied rooms (no one assigned to these rooms);
 - iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 390.2660 or 390.2960 of this Part.

- 3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication and treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to

- participate in activities with any contraindications or limitations.
- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)
- C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
- D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this Section.
- 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services.
- 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 390-620 390.160 of this Part.
- 7) The facility should consider the following in developing and providing Day Care Programs:
- A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 16 Ill. Reg. 14329, effective September 3, 1992.)

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Numbers: Adopted Action:
330.110 Amendments
330.140 Amendments
330.150 Amendments
330.330 Amendments
330.1970 Amendments
330.3620 Amendments
330.4310 Amendments
330.4510 Amendments
330 Appendix B Repealer
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.
- 5) Effective Date of Rules:
September 3, 1992
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X
If "yes," please specify date: ___
- 7) Does this Rulemaking Contain Any Incorporations By Reference?
Yes ___ No X
If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___
If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

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January 1, 1991. In the definition of "Nursing Unit," the term "distinct part" is being changed to "designated area" to eliminate confusion with a distinct part as that term is defined in the rules. In addition, statutory citations are updated.

Section 330.1970 - This Section is being amended to require that snacks be offered between meals when there are more than four hours between meals. The existing rule allows the facility to offer either between-meal or bedtime snacks.

Section 330.3020 - The Department is amending this Section to clarify its policies governing the presence of other businesses in buildings containing existing long-term care facilities so that the requirements will be consistent with those in Part 300, 350 and 390 and with the requirements for new facilities in Section 330.3060.

Section 330.4310 - This Section is being amended to correct statutory language.

Section 330. Appendix B - this Appendix is being repealed because the Department's requirements for distinct parts are set forth in Section 330.110.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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General Requirements

Application for License

Licensee

Issuance of an Initial License For a New Facility

Issuance of an Initial License Due to a Change of Ownership

Issuance of a Renewal License

Criteria for Adverse Licensure Actions

Denial of Initial License

Denial of Renewal of License

Revocation of License

Experimental Program Conflicting With Requirements

Inspections, Surveys, Evaluations and Consultation

Filing an Annual Attested Financial Statement

Information to be Made Available to the Public By the Department

Information to be Made Available to the Public By the Licensee

Municipal Licensing

Ownership Disclosure

Issuance of Conditional Licenses

Monitoring and Receivership

Determination to Issue a Notice of Violation or Administrative Warning

Determination of the Level of a Violation

Notice of Violation

Administrative Warning

Plans of Correction

Reports of Correction

Conditions for Assessment of Penalties

Calculation of Penalties

Determination to Assess Penalties

Reduction or Waiver of Penalties

Quarterly List of Violators

Alcoholism Treatment Programs In Long-Term Care Facilities

Department May Survey Facilities Formerly Licensed

Waivers

Definitions

Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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Administrator

SUBPART C: POLICIES

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330.770
330.780

Resident Care Policies
Admission and Discharge Policies
Contract Between Resident and Facility
Residents' Advisory Council
General Policies
Personnel Policies
Initial Health Evaluation for Employees
Disaster Preparedness
Serious Incidents and Accidents

SUBPART D: PERSONNEL

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330.930

Personnel
Nursing and Personal Care Assistants (Repealed)
Student Interns
Consultation Services
Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

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Medical Care Policies
Personal Care
Communicable Disease Policies
Tuberculin Skin Test Procedures
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SUBPART F: RESTORATIVE SERVICES

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Activity Program
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Written Policies for Restorative Services

SUBPART G: MEDICATIONS

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Medication Policies
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SUBPART H: RESIDENT AND FACILITY RECORDS

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Resident Record Requirements
Content of Medical Records
Records Pertaining to Residents' Property
Retention and Transfer of Resident Records
Other Resident Record Requirements
Retention of Facility Records
Other Facility Record Requirements

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Diet Orders
Adequacy of Diet and Meal Pattern
Therapeutic Diets
Scheduling of Meals
Menu Planning
Food Preparation and Service
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Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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Maintenance
Housekeeping
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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330.2410
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Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

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SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

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330.3340	Fire Department Service and Water Supply
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330.3910	Fire Protection
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330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
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330.3670	Bedrooms
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

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SUBPART Q: RESIDENT'S RIGHTS

Section	
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330.4270	Residents' Advisory Council
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SUBPART R: DAY CARE PROGRAMS

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Section 330.4510	Day Care In Long-Term Care Facilities
APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
APPENDIX C	Forms for Day Care in Long-Term Care Facilities
APPENDIX D	Criteria for Activity Directors Who Need Only Minimal Consultation
TABLE A	Disaster Preparedness Parameters -- Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992.

SUBPART A: GENERAL PROVISIONS

Section 330.110 General Requirements

- a) Applicability
- 1) This Part applies to the operator/licensee of facilities, or distinct part therein, that are to be licensed and classified to provide sheltered care.
 - 2) Any license issued and in effect prior to March 1, 1980 pursuant to the Nursing Homes homes, Sheltered sheltered care care Homes homes, and Homes homes for the Aged aged Act (Ill. Rev. Stat.

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1977, ch. 111 1/2, pars. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1967; Public Act 85-1103, effective August 13, 1968; and Public Act 85-1378, effective September 17, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of not less than six months nor more than 18 months. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility in order to distribute the expiration dates as evenly as possible throughout the calendar year. (Section 3-110 of the Act)
- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.
- d) The operator may not admit residents in excess of the licensed capacity of the facility. (Section 2-209 of the Act) (B)
- e) A sheltered care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or in fact, does not provide. Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Section 13.1 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 1163.1)).
- g) The licensee shall give 90 days notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than ten percent of the residents. Such notice

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shall be given to the Department, to any residents who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The licensee shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternate placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. The Department may place a relocation team in the facility as provided under the Act. (Section 3-423 of the Act) (A, B)

- h) Licensure for more than one level of care
- 1) A facility may be licensed for more than one level of care. The licensee must designate the level of care that will be provided in each bedroom. Bedrooms of like licensed level of care must be contiguous to each other within each "nursing unit" as defined in Section 330.330. Each nursing unit may have up to two levels of care and must meet the construction standards for the highest licensed level of care in the nursing unit.
 - 2) If a licensee wishes to designate a portion of its licensed beds as either Intermediate Care for the Developmentally Disabled or Long-Term Care for Under Age 22, the licensed beds must be located in a distinct part (as defined in Section 330.330) of the facility.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992)

Section 330.140 Issuance of an Initial License For a New Facility

- a) Upon receipt and review of an application for a license and inspection of the applicant facility, the Director shall issue a probationary license if he finds:
 - 1) The applicant is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five years; and
 - 2) The facility is in substantial compliance with the Act and this Part. (Section 3-109 of the Act)
- b) The Department will issue a probationary license for 120 days from the date of issuance. ~~The Department will issue a probationary license for 120 days from date of issuance.~~ (Section 3-116 of the Act)
- c) Within 30 days prior to the termination of a probationary license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure, shall issue

a license under Section 3-109 of the Act. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

- e) ~~During the 120-day period of the probationary license, the Department shall conduct an investigation of the applicant within 30 days of the termination of the probationary license to determine whether or not the applicant then complies, and if not, whether satisfactory progress is being made toward compliance. If in compliance, the probationary license will be replaced with a full status license. If not in compliance and satisfactory progress towards compliance is not being made, the Department will allow the probationary license to expire.~~ (Section 3-116 of the Act)

- d) If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license. (Section 3-116 of the Act) Under no condition may more than two successive probationary licenses be issued.

- d) ~~If the applicant is found not to be in compliance but satisfactory progress is being made toward compliance, a second probationary license of up to 120 days may be issued. Under no condition may more than two successive probationary licenses be issued.~~ (Section 3-116 of the Act)

- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992)

Section 330.150 Issuance of an Initial License Due to a Change of Ownership

- a) Upon receipt and review of an application for a license the Director shall issue a probationary license if he finds:
 - 1) The applicant is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five years; and
 - 2) The facility is in substantial compliance with the Act and this Part. (Section 3-109 of the Act)
- b) Whenever ownership of a facility is transferred from the person named in a license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer. (Section 3-112 of the Act)
- c) The transferor shall notify the Department at least 30 days prior to

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- final transfer. The transferor shall remain responsible for the operation of the facility until such time as the license is issued to the new transferee. (Section 3-112 of the Act)
- d) The license granted to the transferee shall be subject to a plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the previous owner. If there are outstanding violations and no plan of correction has been submitted by the facility and approved by the Department, the Department may issue a conditional license and plan of correction as provided in Section 3-311 through 3-317 of the Act in place of a probationary license. (Section 3-113 of the Act)
- e) The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership. (Section 3-114 of the Act)
- f) The Department will issue a probationary license for 120 days from the date of issuance. ~~The Department will issue a probationary license for 120 days from date of issuance. (Section 3-116 of the Act)~~
- g) Within 30 days prior to the termination of a probationary license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure, shall issue a license under Section 3-109 of the Act. (Section 3-116 of the Act)
- If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.
- g) ~~During the 120 days of the probationary license, the Department shall conduct an investigation of the applicant within 30 days of the termination of the probationary license to determine whether or not the applicant then complies, and if not, whether satisfactory progress is being made toward compliance. If in compliance, the probationary license will be replaced with a full status license. If not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)~~
- h) ~~If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license. (Section 3-116 of the Act)~~ Under no condition may more than two successive probationary licenses be issued.
- h) ~~If the applicant is found not to be in compliance but satisfactory progress is being made toward compliance, a second probationary license of up to 120 days may be issued. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)~~
- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written

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approval by the Department.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992)

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Access - the right to:

- Enter any facility;
- Communicate privately and without restriction with any resident who consents to the communication;
- Seek consent to communicate privately and without restriction with any resident;
- Inspect the clinical and other records of a resident with the express written consent of the resident;
- Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1909 1991, Ch. 111 1/2, pars. 4151-101 et seq. 7-7-as-amended-by--Public Act-86-1198-effective-October-17-1998).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of

the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate means:

With respect to a partnership, each partner thereof.
With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in

effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

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Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989 1991, ch. 111, pars. 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and that continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:
is attributable to a mental or physical impairment or combination of mental and physical impairments;
is manifest before age 22;
is likely to continue indefinitely;
results in substantial functional limitations in three or more of the following areas of major life activities:
self-care;
receptive and expressive language;
learning;
mobility;
self-direction;

self-care;
receptive and expressive language;
learning;
mobility;
self-direction;

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capacity for independent living; and
economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or his designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff

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and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. [Section 1-112 of the Act]

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

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Facility or long-term care facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code the County-Home Act (Ill. Rev. Stat. 1989, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) 53-par--61-et-seq--77 as-now-or-hereafter-amended--or-by-a-county--pursuant-to--"An-Act-in-relation-to-homes-for-the-aged" (Ill. Rev. Stat. 1909, ch. 34, par. 3561-et-seq.) as-now-or-hereafter-amended, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. to 1396 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 142 et seq.); as-now-or-hereafter-amended--or

Any "facility for child care" as defined in the Child Care Act of 1969 (Ill. Rev. Stat. 1989 1991, ch. 23, par. 2211 et seq.); as now-or-hereafter-amended--or

Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 418) et seq.);

Any "Community Residential Alternative" as defined in the Community Residential Alternatives Licensing Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.);

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety; or--(Section-1-113-of-the-Act)

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.). (Section 1-113 of the Act)

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Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 (Ill. Rev. Stat. 1989 1991, ch. 110 1/2, par. 1-1 et seq.) ~~as now or hereafter amended~~. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under the General Not For Profit Corporation Act of 1986 ~~as heretofore or hereafter amended~~ (Ill. Rev. Stat. 1989 1991, ch. 32, par. 101.01 et seq.); or, by a county pursuant to Division 5-22 of the Counties Code "An Act in relation to homes for the aged";

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~~as heretofore or hereafter amended~~ (Ill. Rev. Stat. 1989 1991, ch. 34, par. 5-22001 3561 et seq.)¹⁷² or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are ~~sixty~~ 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Educational Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act ~~as now or hereafter amended~~ (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3651 et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life-care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder

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of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on

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or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, pars. 3501 et seq.) as now or hereafter amended. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area distinct-part of a facility consisting of all the beds within the designated area distinct-part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

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Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing, who because of age, physical or mental disability, emotional or behavior disorder, or mental retardation is incapable of maintaining a private, independent residence, or who is incapable of managing his person whether or not a guardian has been appointed. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, pars. 4121 et seq.).

Physical Therapy Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice

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medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, pars. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, certified by the State of Illinois, if required.

Reasonable Visiting Hours - any time between the hours of 10 A.M. and 8 P.M. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305

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of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

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Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Worker, Qualified - a person who: is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989 1991, ch. 111, par. 6351 et seq.); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's degree programs); and has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either: an academic credit requirement in a high school or undergraduate institution, or immediately succeeds a full quarter, semester or trimester of

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academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 330.280(k)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended- (42 U.S.C. 1395 et seq.). (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended- (42 U.S.C. 1395 et seq.). (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

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Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992.)

Section 330.1970 Scheduling of Meals

a) A minimum of three meals or their equivalent shall be served daily at regular times with no more than a 14 hour span between a substantial evening meal and breakfast. The 14 hour span shall not apply to facilities using the "four or five meal-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, a dessert and a nourishing beverage. (H)

b) ~~Between-meals or bedtime~~ Bedtime Snacks of nourishing quality shall be offered. (B) Snacks of nourishing quality shall be offered between meals when there is a time span of four or more hours between the ending of one meal and the serving of the next, or as otherwise indicated in the resident's plan of care.

c) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served. (B)

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992.)

Section 330.3620 General Building Requirements

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Every existing facility shall:

- a) Be structurally sound, in good repair, and attractive inside and out.
(B)
- b) Have stairs, whether inside or outside of the building, provided with sturdy handrails. Stairways over three feet wide shall have handrails on each side. (B)
- c) Be served by reliable telephone service.
- d) Be served by reliable electrical service. The Department may require a standby electric generator on the premises to provide an emergency supply of electricity to maintain essential services when it has evidence that there have been frequent and prolonged interruptions of service that have resulted in a threat to the residents' health and welfare. (B)
- e) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- f) Have all outside doors, other than required exits, and nonstationary windows equipped with tight-fitting, full-length 16-mesh screens. Screen doors shall be equipped with self-closing devices.
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. Any exterior door that is supervised during certain periods during the day or night may have a disconnect device for part-time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- i) Have smooth floors which are free from cracks and finished so that they can be easily and properly cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with terrazzo, inlaid linoleum, tile or approved equivalent. (B)
- j) Have all walls and ceilings of sound construction, covered with plaster or approved equivalent, in good repair, and free from cracks or holes for easy and proper cleaning.
- k) Have all windows in good repair so that they fit snugly, yet will open and close easily.
- l) Have safety devices provided across low windows, on open porches, at changes in floor level, and at other danger areas inside or outside the building, when there is a danger present to residents. (B)
- m) Have no other business conducted in the building that is unrelated to health care and conducted in the building that constitutes a hazard or annoyance to the residents. ~~In any case, the~~ The business shall be in a segregated portion of the building and shall have a separate entrance.
- n) Have any thresholds for doorways used by residents flush with the floor.
- o) Have a ceiling height of eight feet or more throughout all rooms occupied or used by residents.
- p) Provide a medicine cabinet. (See Section 330.1520.)
- q) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam

pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992)

Section 330.4310 Complaint Procedures

- a) A resident shall be permitted to present grievances on behalf of himself and others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever. (Section 2-212 2-112 of the Act)
- b) The facility administrator shall provide all residents or their representatives with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged. (Section 2-212 2-112 of the Act)
- c) A person who believes that the Act or a rule promulgated under the Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, or by personal visit. An oral complaint shall be reduced to writing by the Department. (Section 3-702(a) of the Act)
- d) The substance of the complaint shall be provided to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility which takes place pursuant to the complaint. (Section 3-702(b) of the Act)
- e) The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility. (Section 3-702(c) of the Act)
- f) Upon receipt of a complaint, the Department shall determine whether the Act or a rule promulgated under the Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within seven days after the receipt of the complaint except the that complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated with 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint. All complaints shall be classified as "valid" or "invalid": "an invalid report," "a valid report," or "an undetermined report." For any complaint classified as "a valid report," the Department must determine within 30 working days if any rule or

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provision of this Act has been or is being violated. (Section 3-702(d) of the Act)

- g) Upon the request of a resident or complainant, the Department may permit the resident or complainant or a representative of the complainant to accompany the person making an on-site inspection of the facility pursuant to the complaint. (Section 3-702(c) of the Act)
- h) In all cases, the Department shall inform the complainant of its findings within ten days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include contents or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within ten days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the inspection report; or the warning notice, if any; and the State licensure form on which the violation is listed. (Section 3-702(e) of the Act)
- i) A written determination, correction order, or warning notice concerning a complaint shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without the consent of the complainant or resident. (Section 3-702(f) of the Act)

- j) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under subsection (k) of this Section ~~subsection (k) of this section~~. The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under subsection (k) of this Section ~~subsection (k) of this section~~ which concerns a matter covered by a complaint, the complainant shall be given written notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described in ~~subsection (h) of this section~~ in subsection (b) of this Section. Upon receipt of the request the Department shall conduct a hearing as provided under subsection (k) of this Section ~~subsection (k) of this section~~. (Section 3-702(g) of the Act)

- k) Any person aggrieved by a decision of the Department rendered in a particular case which affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

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(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992.)

Section 330.4510 Day Care in Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.

- b) In addition, the following criteria must also be met.

1) Staff:

Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.

2) Space:

- A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Section 330.2870 and 330.3030 of this Part.

- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents.

- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:

- i) Facilities having more than one communal area (such as a lounge or sunporch) could designate one of these for rest areas;
- ii) Non-occupied rooms (no one assigned to these rooms);
- iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 330.2860 or 330.3070 of this Part.

3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication or treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.

- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)

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- C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
- D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this section.
- 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services
- 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 330-610 330.160 of this Part.
- 7) The facility should consider the following in developing and providing "Day Care Programs":
- A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 16 Ill. Reg. 14370, effective September 3, 1992.)

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Section 330.APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)

A--facility--classified--for--intermediate--care--or--skilled--nursing--care--may--have--one--or--more--distinct--parts--within--the--facility--classified--for--sheltered--care--if--the--following--criteria--are--satisfactorily--met:

- 1: the--distinct--part--meets--the--definition--of--"Distinct-Part"--as--given--in--Section--330-330--of--these--standards;
- 2: the--distinct--part--satisfactorily--meets--the--applicable--physical--plant--standards--for--sheltered--care--facilities;--if--necessary--to--protect--the--health--welfare--and--safety--of--patients--in--a--distinct--part--requiring--higher--standards;--the--Department--shall--require--compliance--with--whatever--additional--physical--plant--standards--are--necessary--in--the--sheltered--care--distinct--part;--to--achieve--this--protection;
- 3: the--distinct--part--meets--all--other--applicable--standards--for--a--sheltered--care--facility;
- 4: there--is--separate--nursing--auxiliary;--and/or--personal--care--staff--sufficient--in--numbers;--training--and--experience--for--each--distinct--part--to--meet--the--standards--applicable--to--the--classification--of--the--distinct--part;--Administrative;--supervisory;--and--other--personnel--may--be--shared--by--the--entire--facility;--if--so--doing--does--not--adversely--affect--meeting--the--total--needs--of--any--of--the--patients--and/or--residents--in--the--facility;
- 5: No--patient--or--resident--is--kept--in--the--sheltered--care--distinct--part--who--is--in--need--of--nursing--care;

(Source: Repealed at 16 Ill. Reg. 14370, effective September 3, 1992.)

Approved 10/1/92

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois

- 2) Code Citation: 80 Ill. Adm. Code 1540

- 3) Section numbers:

1540.80
1540.90
1540.100
1540.130

Adopted Action:

Amendment
Amendment
Amendment
Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 108 1/2 par. 14-135.03

- 5) Effective Date of Amendment(s): September 4, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: August 26, 1992

- 9) Notices of Proposal Published in Illinois Register: May 8, 1992

- 10) Has JCAR issued a Statement of Objections to this rule? No

- 11) Difference(s) between proposal and final version: Editing changes were made to correct filing requirements. There were no substantive changes made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? There were none.

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on the Part? No

- 15) Summary and Purpose of Amendment(s):

Section 1540.80(a)(2) This revision is necessary because of the disability waiting period change made to a nonoccupational disability benefit by Public Act 86-1488. Public Act 86-1488 provides that the nonoccupational disability benefit would begin to accrue on the thirty-first day of absence from work on account of disability (including any periods that sick leave was paid), or the day following the day on which the member last received compensation (including any sick pay). The old rule addressed nonoccupational and temporary disability benefits simultaneously because the thirty day waiting period was the same for both benefits. Following Public Act 86-1488, the waiting periods are different and require separate rules.

Section 1540.90(c)(1) This revision is necessary to reflect the change to the allowable offset for the widow and survivors' benefit as provided by Public Act 87-794. The change requires only that an additional sentence be added to Section 1540.90(c)(1)

Section 1540.100(b) This revision is necessary to require that an individual provide a statement from the state where the birth occurred that no record exists, and to add to the acceptable documents allowed to substantiate a date of

birth. A passport and birth certificate are required to receive an immigration and naturalization record. The INR should therefore be added to our list of acceptable documents to prove a date of birth.

Section 1540.130(b) This revision is necessary to allow the System to accept the certification of unused sick leave for the calculation of a pension from the last department responsible for maintaining the sick leave of the member. When a person is elevated to a position of employment that does not accrue sick leave, and the person had accrued sick leave from the previous position of employment, the agency of current employment cannot certify sick leave since it is not accrued in the current position of employment. The member faces losing the accrued time without this change to allow the last agency maintaining the sick leave record to certify the unused sick leave. The present agency practice is to allow the sick leave to be used in the calculation of the pension and this change reflects the present practice.

- 16) Information and questions regarding this adopted amendment(s) shall be directed to:

Name: Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2815 West Washington Street
Springfield, Illinois 62794-9255
Address:
Telephone: 217-785-7444

The full text of the Adopted Amendments begins on the next page:

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
 - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the later of the the thirty-first day of absence from work (including any periods of such absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) (period for payment).
 - 3) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational or temporary disability benefit, payment of the benefit shall accrue as of the later of the 31st day after the member is last entitled to receive compensation or the date of

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payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).

- 3) 4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).

b) Occupational Disability

Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.

c) Licensed Physicians

- 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.

- 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Registration and Education as described in Section 11(1) and (2) of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4400-11(1) and (2)). All licensed physicians must submit their registration number on all reports submitted to the Retirement System.

d) Report of Physicians

- 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.

- 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.

e) Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:

- 1) Any employment by or for the State of Illinois.
2) Any remuneration which exceeds \$500.00 in any month.
A) For purpose of this Section, "remuneration" shall be defined to mean:
i) any compensation for personal services including fees,

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- ii) wages, salary, commissions, and similar items;
any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.

- B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

f) Investigation of Claims

- 1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.

- 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.

- 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

g) Definition of Phrase "The Duties of the Member's Position"

The phrase, "the duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the

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duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 16 Ill. Reg. 14407, effective September 4, 1992)

Section 1540.90 Benefit Offset

a) Occupational Disability and Occupational Death Benefits received under Workers' Compensation Act (Ill. Rev. Stat. 1989 1991, ch. 48, par. 138.1 et seq., as amended) or Workers' Occupational Diseases Act (Ill. Rev. Stat. 1989 1991, ch. 48, pars. 172.36 et seq., as amended) with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation weekly rate will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.

1) If the amount of compensation received is less than the monthly benefit provided under the Retirement Act, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Retirement Act. If the amount of compensation received equals or exceeds the monthly benefit provided under the Retirement Act, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.

3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.

5) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.

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7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.

8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.

9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Retirement Act (Ill. Rev. Stat. 1989 1991, ch. 108 1/2, pars. 14-101 et seq.) and these Administrative Rules, even though such amounts are recoverable under the subrogation section 5(b) of the Workers' Compensation Act.

B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

10) Any period(s) of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period(s) of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.

b) Nonoccupational Disability and Temporary Disability

1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65.

2) The Social Security retirement benefit offset will be applied as follows at age 65:

A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security

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- retirement benefit offset on or after age 65.
- B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.
- C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.
- 3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.
- c) Widows and Survivors Annuities
- 1) When a monthly widows or survivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivors benefits for which all beneficiaries included in the widows or survivors annuity are eligible. The offset shall not reduce any survivor or widows benefit by more than 50 percent.
- 2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivors benefits.
- 3) If at the time the offset is to be commenced: the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount such amount shall be deducted from the amount of survivors benefit payable by Social Security and the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivors benefit, such amount shall be deducted from the amount of the survivors benefit payable by Social Security and the offset computed on the difference.
- 4) The Social Security reduction amount once established shall remain constant except for the following conditions:
- A) If a survivor under age 50 previously receiving the survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security

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- survivors benefits. The offset amount will be based on the original widow's Social Security survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivors benefit minus the governmental pension offset, if any.
- B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
- C) The offset amount will be adjusted when any benefit recipient(s) become ineligible for Social Security benefits.
- D) For deaths on or after the effective date of this Section change, if a survivor under age 62 previously receiving the survivor benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when (s)he first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow(er)'s Social Security survivors amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the Survivors Primary Insurance Amount. The monthly benefit amount based on the Primary Insurance amount of the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement including any adjustment due to the application of the Windfall Elimination Provision.

d) Retirement Annuity

Pursuant to Section 14-108(f) of the Retirement Act, for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of social security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at 16 Ill. Reg. 14407, effective September 4, 1992)

Section 1540.100 Birth Date Verification

- a) Any person or persons making application for a retirement annuity, survivors or widows annuity, nonoccupational, occupational or temporary disability benefit shall submit as proof of birth date, a legal copy of their birth certificate or birth record.

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- b) ~~if no such record exists~~ Upon the submission by the member of a declaration from the state where the birth occurred that no birth record exists, the following documents may be submitted for consideration:
- 1) Military records
 - 2) Marriage record showing date of birth
 - 3) Evidence of Social Security payments that require attainment of specific age
 - 4) Church records of birth or baptism
 - 5) Two or more documents showing birth dates, such as insurance policies, school records, medical records, passports, immigration and naturalization record
- c) If none of the above documents are available, an affidavit from parents, older brother or sister, or relative having knowledge of the date of birth may be considered.

(Source: Amended at 16 Ill. Reg. 14407, September 4, 1992)

Section 1540.130 Pension Credit for Unused Sick Leave

- a) Credit for sick leave shall be determined on the basis of a 260-day work year.
- b) All unused sick days for which the employee receives credit shall be certified by the last employer responsible for maintaining a sick leave record for the employee.

(Source: Amended at 16 Ill. Reg. 14407, effective September 4, 1992)

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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Americans with Disabilities Act Grievance Procedure

- 2) Code Citation: 4 Ill. Adm. Code 750

- 3) Section Numbers:
- | | |
|--------|------------------------|
| 750.10 | <u>Adopted Action:</u> |
| 750.20 | New Section |
| 750.30 | New Section |
| 750.40 | New Section |
| 750.50 | New Section |
| 750.60 | New Section |
| 750.70 | New Section |

- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulations (28 CFR 35.107) and authorized by Section 49 of the Civil Administrative Code (Ill.Rev.Stat. 1991, ch. 127, par. 49).

- 5) Effective date of rules: September 4, 1992

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in agency's principal office: August 31, 1992

- 9) Notice of proposal published in Illinois Register:

June 5, 1992, 16 Ill. Reg. 8338

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

On the Notice page, the Code citation has been corrected to "4 Ill. Adm. Code 750."

The Department added the phrase "subsection (a) above" to Section 750.50(b) and deleted the phrase "Section 750.50(a)."

In the definition of "ADA Resource Information Coordinator," The Department typed out the phone numbers.

In Section 750.50(a), the Department changed "ten" business days to "fifteen" business days. The Department removed the last sentence in Section 750.50(a) which previously read as follows: "The date of service of the written response shall be considered the date of its mailing."

AMENDED 10/04/92

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NOTICE OF ADOPTED RULES

The Department made other nonsubstantive corrections throughout this Part.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: As required by the Americans with Disabilities Act of 1990, these rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services on the basis of disability.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Michael V. Accettura
Assistant Chief Counsel
Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
(217) 782-3215

The full text of the Adopted Rules begins on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 4: GRIEVANCE PROCEDURES
CHAPTER XXVII: DEPARTMENT OF TRANSPORTATION

PART 750

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purpose
750.10	Definitions
750.20	Procedure
750.30	Grievance - ADA Coordinator Level
750.40	Grievance - ADA Executive Appeals Committee Level
750.50	Accessibility
750.60	Case-by-Case Resolution
750.70	

AUTHORITY: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulations (28 CFR 35.107) and authorized by Section 49 of the Civil Administrative Code (Ill. Rev. Stat. 1991, ch. 127, par. 49).

SOURCE: Adopted at 16 Ill. Reg. 14418, effective September 4, 1992.

Section 750.10 Purpose

This Part establishes an Americans with Disabilities Act Grievance Procedure (Procedure) pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (ADA), and specifically, Section 35.107 of the Title II Regulations (28 CFR 35.107), requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded therein, please contact the ADA Resource Information Coordinator.

Section 750.20 Definitions

"ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"ADA Executive Appeals Committee" is a committee established by the Department consisting of: a Deputy Director, Office of Finance and Administration; an Assistant Chief Counsel, Office of Chief Counsel; the Manager, Civil Rights Office, Office of Finance and Administration; a Deputy Director, Division of Highways; and one rotating member, appointed annually by the Director, Office of Finance and Administration. The ADA

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Executive Appeals Committee shall review matters that cannot be resolved at the ADA Resource Information Coordinator level.

"ADA Resource Information Coordinator" is the person appointed by the Department to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA. The Designated Coordinator for the Department is the Manager, Employee Assistance Unit, Office of Finance and Administration, Bureau of Employee Services, 2300 South Dirksen Parkway, Springfield, Illinois 62764. Phone: (217) 524-1242, Telecommunications Device for Deaf Persons: (217) 524-4874 and 524-4875.

"Complainant" is an individual with a disability who files a grievance in accordance with this Part.

"Department" is the Illinois Department of Transportation.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. (28 CFR 35.104, effective January 26, 1992)

"Grievance" is a complaint filed with the Department by an individual alleging that he or she has been subject to discrimination by the Department on the basis of his or her disability with respect to the Department's services, programs or activities.

"Major Life Activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (28 CFR 35.104, effective January 26, 1992)

"Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (28 CFR 35.104, effective January 26, 1992)

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural,

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communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. (28 CFR 35.104, effective January 26, 1992)

"Reasonable Accommodation" means modifications or adjustments to services, programs or activities that enable a qualified individual with a disability to participate therein, or enjoy the benefits thereof.

"Undue hardship" means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity.

Section 750.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Section 750.40 and 750.50 of this Part, in the form and manner described, and within specified time limits. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the Complainant and the Department.
- b) A Complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the Complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's final response.
- c) Exhaustion of all administrative remedies provided for in this Part shall be a prerequisite to the filing of a complaint before any court or other administrative tribunal.
- d) The Department shall, upon request, provide an individual with a copy of this Part.

Section 750.40 Grievance - ADA Coordinator Level

- a) If an individual desires to file a grievance alleging discrimination due to his or her disability with respect to an alleged denial of equal access to Department services, programs or activities, he or she shall, within 180 days after the alleged discrimination, submit a written grievance to the Department's ADA Resource Information Coordinator.
- b) In order to be considered by the Coordinator, the grievance shall contain the following information:
 - 1) the Complainant's name, address and telephone number;
 - 2) the best time and means for contacting the Complainant;
 - 3) the exact nature of Complainant's disability, including a signed statement from a physician currently licensed to

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- practice in Illinois;
- 4) the program, activity or service which was denied Complainant, or in which alleged discrimination occurred;
 - 5) the nature of the denial or alleged discrimination;
 - 6) a statement detailing why the Complainant believes he or she is a qualified individual with a disability;
 - 7) the date the denial or alleged discrimination occurred;
 - 8) the signature of the Complainant.
- c) The Complainant shall attach copies of any documents received from or submitted to the Department which pertain to the program, activity or service referred to in the grievance.
 - d) The ADA Resource Information Coordinator or his representative shall investigate the grievance and shall make reasonable efforts to resolve the matter. The Coordinator shall serve a written response upon the Complainant within ten business days after receipt of the grievance. The date of service of the written response shall be considered to be the date of its mailing.

Section 750.50 Grievance - ADA Executive Appeals Committee Level

- a) If the grievance is not resolved to the satisfaction of the Complainant at the ADA Coordinator Level, the Complainant may submit a copy of the grievance and the Coordinator's response to the ADA Executive Appeals Committee, together with a short written statement explaining the reason(s) for dissatisfaction with the Coordinator's written response, within fifteen business days after the receipt by the Complainant of the Coordinator's response.
- b) The Complainant shall be afforded an opportunity, within thirty days after the Committee's receipt of the Complainant's submission pursuant to subsection (a) above, to appear before the Committee, and shall have a right to designate a representative to appear on his or her behalf. The Committee shall review the statements of the Complainant, written materials submitted by the Complainant, the Coordinator's response, and may conduct interviews and seek additional information, evidence and/or advice as it deems appropriate.
- c) The Committee shall approve, disapprove or modify the recommendation of the Coordinator and shall render a written decision thereon within thirty days after meeting to decide the matter. The Committee shall state the reason(s) for its decision, and shall serve a copy upon the Complainant and the Coordinator.
- d) The grievance, the Coordinator's response, the Complainant's statement of reasons for dissatisfaction and the decision of the

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Committee shall be maintained in accordance with the State Records Act (Ill.Rev.Stat. 1991, ch. 116, par. 43.3 et seq.) or as otherwise required by law.

Section 750.60 Accessibility

The Department shall ensure that all stages of the grievance process procedure are readily accessible to and usable by individuals with disabilities.

Section 750.70 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration of the program, service or activity, or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainant should rely.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Bill Nonneman
Regulations & Training Unit Manager
Department of Transportation
Division of Traffic Safety
3215 Executive Park Drive
Springfield, Illinois 62703
(217) 785-1181

Amend

5) Effective date of rules: September 8, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date filed in agency's principal office: September 4, 1992

9) Notice of proposal published in Illinois Register:

May 22, 1992, 16 Ill. Reg. 7805

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 395.2000(c)(3) has been revised.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) **Summary and purpose of rules:** By this Notice of Adopted Amendments, the Department incorporates applicable provisions of P.A. 87-829, effective January 17, 1992, into the regulations. Section 395.2000(c)(1) is amended to include P.A. 87-829 in the statutory citation. Section 395.2000(c)(2)(A) is amended for purposes of clarification. Section 395.2000(c)(3) is amended to include the provision in P.A. 87-829 which exempts agricultural movements from this Part during a period of time between February 15 through June 30.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 395
 HOURS OF SERVICE OF DRIVERS

Section
 395.1000
 395.2000
 General
 Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing Sections 18b-100 et seq. and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (111. Rev. Stat. 199189, ch. 95 1/2, pars. 18b-100 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992.

NOTE: Capitalization denotes statutory language.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1990, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
 - 1) Section 395.8(1)(1) as it applies to intrastate carriers is amended to establish that DRIVERS SHALL OPERATE WITHIN A 200 AIR-MILE RADIUS OF THE NORMAL WORK REPORTING LOCATION TO QUALIFY FOR EXEMPT STATUS. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) (111. Rev. Stat. 199189, ch. 95 1/2, par. 18b-105(d), as amended by P.A. 87-829, effective January 17, 1992)

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- 2) Section 395.13 is not incorporated and the following substituted therefor:

A) Authority to declare drivers out-of-service. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, or 3 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(2)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that the driver has violated the out-of-service criteria as set forth in ~~in subsection (c)(2)(B)~~.

B) Out-of-Service Criteria

- i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.
- C) Responsibilities of motor carriers
- i) No motor carrier shall:
 Require or permit a driver who has been declared out-of-service to operate a motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;
 Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a motor vehicle until that driver has been off duty for eight consecutive hours and is in

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compliance with this section. The consecutive eight hour off duty period may include sleeper berth time.

- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver-Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this Section.
- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
- iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of motor vehicles.

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- 3) Part 395 SHALL NOT APPLY TO AGRICULTURAL MOVEMENTS BETWEEN THE PERIOD OF FEBRUARY 15 THROUGH JUNE 30 EACH YEAR, AND ALL FARM TO MARKET AGRICULTURAL TRANSPORTATION AS DEFINED IN 92 ILL. ADM. CODE 390.1020 AND FOR GRAIN HAULING OPERATIONS WITHIN A RADIUS OF 200 AIR MILES OF THE NORMAL WORK REPORTING LOCATION that are engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)

(Source: Amended at 16 Ill. Reg. 14425, effective September 8, 1992)

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- 1) Heading of Part: Inspection, Repair and Maintenance
- 2) Code Citation: 92 Ill. Adm. Code 396
- 3) Section Numbers: 396.2010
Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 et seq.
- 5) Effective date of rules: September 8, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: September 4, 1992
- 9) Notice of proposal published in Illinois Register:
May 22, 1992, 16 Ill. Reg. 7811
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department amends Section 396.2010(a) to clarify the Illinois State Police's authority to perform commercial vehicle inspections. A cross reference to the definition of "commercial vehicle inspection" in 92 Ill. Adm. Code 390 is provided. Section 396.2010(c)(1) is amended to clarify the criteria an Illinois State Police officer would use to declare a motor vehicle "out-of-service."

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Bill Nonneman
Regulations and Training Unit Manager
Department of Transportation
Division of Traffic Safety
3215 Executive Park Drive
Springfield, Illinois 62703
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 396
INSPECTION, REPAIR AND MAINTENANCE

Section	General
396.1000	Incorporation by Reference of 49 CFR 396
396.2000	Inspection of Vehicles in Operation
396.2010	

AUTHORITY: Implementing Section 18b-100 et. seq. and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991~~89~~, ch. 95 1/2, pars. 18b-100 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992.

NOTE: Capitalization denotes statutory language.

Section 396.2010 Inspection of Vehicles in Operation

- a) Personnel authorized to perform inspections. The Illinois State Police are authorized to enter upon and perform commercial vehicle inspections (as defined in 92 Ill. Adm. Code 390.1020) of motor carrier vehicles in operation.
- b) Prescribed inspection report - the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238) shall be used to record results of motor vehicle inspections conducted by Illinois State Police personnel.
- c) Motor Vehicles declared "Out-of-Service."

1) Authorized Illinois State Police personnel shall declare and mark "out-of-service" any motor vehicle which, ~~by reason of its mechanical condition or loading, would likely cause an accident or a breakdown; meets the "North American Uniform Out-of-Service Criteria" as incorporated by reference at 92 Ill. Adm. Code 390.2000. An "out-of-service" vehicle sticker shall be used to mark vehicles "out-of-service."~~

2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle

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declared and marked, "out-of-service" until all repairs required by the "out-of-service notice" have been satisfactorily completed. The term "operate" as used in this subsection shall include towing the vehicle, except that vehicles marked "out-of-service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an "out-of-service" vehicle shall not be operated until such combination meets the performance requirements of the MCSR except for those conditions noted on the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238).

3) No person shall remove the "out-of-service vehicle" sticker from any motor vehicle prior to completion of all repairs required by the "out-of-service notice."

d) Motor Carrier's disposition.

1) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

3) Within 15 days following the date of the inspection, randomly selected motor carriers shall certify that all violations noted have been corrected by completing the reverse side of the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238) and returning it to the Illinois State Police Commercial Vehicle Enforcement Bureau's address indicated on the report.

(Source: Amended at 16 Ill. Reg. 14431, effective September 8, 1992)

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- 1) Heading of Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers:
- | | |
|----------|-------|
| 390.1010 | Amend |
| 390.1020 | Amend |
| 390.2000 | Amend |

Adopted Action:

- 4) Statutory Authority: Ill.Rev.Stat. 1991, ch. 95 1/2, pars. 18b-100 et seq.

- 5) Effective date of rules: September 8, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes

These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

- 8) Date filed in agency's principal office: September 4, 1992

- 9) Notice of proposal published in Illinois Register:

May 22, 1992, 16 Ill. Reg. 7815

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

In Section 390.1010(f)(1), the Department changed "390.1020" to "390.1020 of this Part."

Section 390.2000(b)(2) has been revised.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department includes applicable provisions of P.A. 87-829, effective

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January 17, 1992, in the regulations; updates the date of incorporation by reference of 49 CFR 390; and incorporates by reference the "North American Uniform Out-of-Service Criteria."

Chapter 18b of the Illinois Vehicle Code (the Code) (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 et seq.) entitled "Motor Carrier Safety Law" (the Law) is amended by Public Act 87-829. The Public Act defines the following terms: "commercial motor vehicle"; "farm to market agricultural transportation"; and "agricultural movements." By defining "commercial motor vehicle," the applicability threshold has changed for intrastate vehicles affected by the motor carrier safety regulations. Where previously only intrastate vehicles over 12,000 pounds (GVWR) were affected by the regulations, intrastate vehicles over 10,000 pounds (GVWR) are now subject to the motor carrier safety regulations. Also, by defining "commercial motor vehicle," intrastate carriers who operate vehicles designed to transport more than 15 persons, including the driver, or, who operate any vehicle transporting placarded hazardous materials, are now required to implement a drug testing program for their drivers.

By defining "farm to market agricultural transportation" and "agricultural movements," the Public Act relieves the farming industry from 49 CFR 395, "Hours of Service of Drivers," for certain times of the year and under certain conditions. The Public Act also establishes the applicability of the regulations for persons employing drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce.

Additionally, the Department is updating the date of incorporation by reference of 49 CFR 390 as of October 1, 1990 to include the federal rulemaking adopted at 57 FR 3140, January 28, 1992. By incorporating this rulemaking by reference, the Department's regulations will incorporate changes made in rulemaking Docket:

MC-91-6 [57 FR 3140 (January 28, 1992)]

Docket MC-91-6 amended the commercial motor vehicle marking requirements by making them applicable to every commercial motor vehicle subject to the federal motor carrier safety regulations.

The Department proposes to add to 49 CFR 390.21 by adding requirements for the marking of intrastate commercial motor vehicles.

Finally, the Department incorporates by reference the "North American Uniform Out-of-Service Criteria" which are part of the Commercial Vehicle Safety Alliance standards. The criteria are referenced in 92 Ill. Adm. Code 391, 395 and 396.

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The Department changed the reference "92 Ill. Adm. Code 171.6" at Section 390.1010(c) to "92 Ill. Adm. Code 171.5" to be consistent with the Illinois Hazardous Materials Transportation Regulations which are currently being amended to reflect a renumbering change.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Bill Nonnenan
Regulations and Training Unit Manager
Department of Transportation
Division of Traffic Safety
3215 Executive Park Drive
Springfield, Illinois 62703
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section
390.1000
390.1010
390.1020
390.1030

Purpose
General Applicability
Definitions
Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section
390.2000

Incorporation by Reference of 49 CFR 390, Subpart-B

AUTHORITY: Implementing Sections 18b-100 et seq. and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1010 General Applicability

a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:

1) All employees, employees and commercial motor vehicles which transport property or passengers in the interstate commerce subject to applicable parts of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397); and

2) INTRASTATE CARRIERS, DRIVERS AND THE VEHICLES THEY OPERATE WHEN THE VEHICLES ARE REGISTERED FOR A GROSS WEIGHT OF 12,001 POUNDS OR MORE, ARE OPERATED FOR THE TRANSPORTATION OF PROPERTY AND USED IN THE FURTHERANCE

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~~OF-ANY-COMMERCIAL-OR-INDUSTRIAL-ENTERPRISE-WHETHER-FOR
HIRE-OR-NOT-FOR-HIRE- PERSONS EMPLOYING DRIVERS,
DRIVERS AND COMMERCIAL MOTOR VEHICLES WHICH TRANSPORT
PROPERTY OR PASSENGERS IN INTERSTATE OR INTRASTATE
COMMERCE.~~ (Section 18b-106 of the Law)

- b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:
 - 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
 - 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.
- c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation of hazardous materials cited in 92 Ill. Adm. Code 171.65, agricultural exception, when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified.
- d) Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.
- e) The MCSR requires knowledge of and compliance with the following:
 - 1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.
 - 2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.
 - 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.

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- f) Unless otherwise specifically provided, the requirements in the MCSR do not apply to:
 - 1) All school bus operations as defined in Section 390.1020 of this Part;
 - 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States. The accident reporting requirements of "Notification and Reporting of Accidents" (49 CFR 394), remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers.
 - 3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
 - 4) The transportation of human corpses or sick and injured persons;
 - 5) The operation of fire trucks and rescue vehicles while involved in emergency related operations; and
 - 6) The private transportation of passengers.

(Source: Amended at 16 Ill. Reg. 14435, effective September 8, 1992)

Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"AGRICULTURAL MOVEMENTS" MEANS THE OPERATION OF A MOTOR VEHICLE OR COMBINATION OF VEHICLES CONTROLLED AND OPERATED BY A PRIVATE MOTOR CARRIER OF PROPERTY THAT IS USING THE VEHICLE TO TRANSPORT NONHAZARDOUS OR HAZARDOUS AGRICULTURAL CROP PRODUCTION FERTILIZERS OR AGRICULTURAL CHEMICALS FROM A LOCAL SOURCE OF SUPPLY TO FARM OR FIELD, OR FROM ONE FARM OR FIELD TO ANOTHER, OR FROM FARM OR FIELD BACK TO THE LOCAL SOURCE OF SUPPLY. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1990)

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"Bus" means any motor vehicle designed, constructed, and or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1990)

"BUSINESS DISTRICT" MEANS THE TERRITORY CONTIGUOUS TO AND INCLUDING A HIGHWAY WHEN WITHIN ANY 600 FEET ALONG SUCH HIGHWAY THERE ARE BUILDINGS IN USE FOR BUSINESS OR INDUSTRIAL PURPOSES, INCLUDING BUT NOT LIMITED TO, HOTELS, BANKS, OR OFFICE BUILDINGS WHICH OCCUPY AT LEAST 300 FEET OF FRONTAGE ON ONE SIDE OR 300 FEET COLLECTIVELY ON BOTH SIDES OF THE HIGHWAY. (Section 1-108 of the Illinois Vehicle Code (the Code)(Ill. Rev. Stat. 199189, ch. 95 1/2, par. 1-108)).

"Charter transportation of passengers" means transportation, using a bus, or a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1990)

"Code" means the Illinois Vehicle Code (Ill. Rev. Stat. 199189, ch. 95 1/2, pars. 1-100 et seq.)

"COMMERCE" MEANS TRADE, COMMERCE OR TRANSPORTATION WITHIN THE STATE. (Section 18b-101(1) of the Law)

"COMMERCIAL MOTOR VEHICLE (CMV)" MEANS--ALL VEHICLES OPERATED IN--THE STATE--TRANSPORTATION--REGISTERED--FOR--A--GROSS--WEIGHT--OF--12,001--POUNDS--OR--MORE;--ARE--OPERATED--FOR--THE--TRANSPORTATION--OF--PROPERTY--AND--USED--IN--THE--FURTHERANCE--OF--ANY--COMMERCIAL--OR--INDUSTRIAL--ENTERPRISE;--WHETHER--FOR--HIRE--OR--NOT--FOR--HIRE--(Section 18b-106 of the Law)--Any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
The vehicle is designed to transport more than 15 passengers, including the driver; or
The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary of the United States Department of Transportation under the Hazardous Materials Transportation Act (49 CFR 390.5, October 1, 1990) ANY SELF PROPELLED OR TOWED VEHICLE USED ON

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PUBLIC HIGHWAYS IN INTERSTATE AND INTRASTATE COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY WHEN THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF 10,001 OR MORE POUNDS; OR THE VEHICLE IS DESIGNED TO TRANSPORT MORE THAN 15 PASSENGERS, INCLUDING THE DRIVER; OR THE VEHICLE IS USED IN THE TRANSPORTATION OF HAZARDOUS MATERIALS IN A QUANTITY REQUIRING PLACARDING UNDER THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. THIS DEFINITION SHALL NOT INCLUDE FARM MACHINERY, FERTILIZER SPREADERS, AND OTHER SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT DESCRIBED IN SECTION 3-809 OF THE CODE NOR IMPLEMENTS OF HUSBANDRY AS DEFINED IN SECTION 1-130 OF THE CODE. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard Inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield glazing and wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

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Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1991)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or *nolo contendere* accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1990)

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF TRANSPORTATION. (Section 18b-101 of the Law)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: Driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1990)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more set of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1990)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1990)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);
A mechanic;

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A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1990)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Interstate Commerce Commission (ICC) in "Commercial Zones" (49 CFR 1048), revised as of October 1, 1975. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1990)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 U.S.C. 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1990)

"FARM TO MARKET AGRICULTURAL TRANSPORTATION" MEANS the operation of a motor vehicle controlled and operated by a farmer who: THE OPERATION OF A MOTOR VEHICLE CONTROLLED AND OPERATED BY A FARMER WHO IS A PRIVATE MOTOR CARRIER OF PROPERTY; WHO IS USING THE VEHICLE TO TRANSPORT AGRICULTURAL PRODUCTS TO OR FROM A FARM OPERATED BY THE FARMER, OR TO TRANSPORT FARM MACHINERY OR FARM SUPPLIES TO OR FROM A FARM OPERATED BY THE FARMER; AND WHO IS NOT USING THE COMMERCIAL VEHICLE TO TRANSPORT HAZARDOUS MATERIALS OF A TYPE OR QUANTITY THAT REQUIRES THE VEHICLE TO BE PLACARDED IN ACCORDANCE WITH THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. (Section 18b-101 of the Law)

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Is a private motor carrier of property;
is using the vehicle to transport agricultural products
from a farm owned by the farmer, or to transport farm
machinery or farm supplies to or from a farm owned by the
farmer; and
Is not using the vehicle to transport hazardous materials
of a type or quantity that require the vehicle to be
placarded in accordance with "Carriage by Public
Highway" (49 CFR 177.823), October 1, 1990, or (49 CFR
390.5, October 1, 1990)

"Farm vehicle driver" means a person who drives only a commercial
motor vehicle that is --

Controlled and operated by a farmer as a private motor
carrier of property;

Being used to transport either --

Agricultural products, or
Farm machinery, farm supplies, or both, to or from a
farm;

Not being used in the operation of a for-hire motor carrier;
Not carrying hazardous materials of a type or quantity that
required the vehicle to be placarded in accordance with 49
CFR 177.823; and

Being used within 150 air-miles of the farmer's farm. (49
CFR 390.5, October 1, 1990)

"Farmer" means any person who operates a farm or is directly
involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or
Are under the direct control of that person. (49 CFR
390.5, October 1, 1990)

"Federal Highway Administrator" means the chief executive of the
Federal Highway Administration, an agency within the United
States Department of Transportation. (49 CFR 390.5, October 1,
1990)

"FOR-HIRE" MEANS THE OPERATION OF A VEHICLE FOR COMPENSATION AND
SUBJECT TO FEDERAL REGULATION BY THE INTERSTATE COMMERCE
COMMISSION OR TO STATE REGULATION BY THE ILLINOIS COMMERCE
COMMISSION (Section 1-124 of the Code).

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"For-hire motor carrier" means a person engaged in the
transportation of goods or passengers for compensation. (49 CFR
390.5, October 1, 1990)

"Gross Combination Weight Rating (GCWR)" means the value
specified by the manufacturer as the loaded weight of a
combination (articulated) vehicle. In the absence of a value
specified by the manufacturer, GCWR will be determined by adding
the GVWR of the power unit and the total weight of the towed unit
and any load thereon. (49 CFR 390.5, October 1, 1990)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by
the manufacturer as the loaded weight of a single vehicle. (49
CFR 390.5, October 1, 1990)

"Hazardous material" means a substance or material which has been
determined by the Secretary of the United States Department of
Transportation to be capable of posing an unreasonable risk to
health, safety, and property when transported in commerce, and
which has been so designated. (49 CFR 390.5, October 1, 1990)

"Hazardous substance" means a material, and its mixtures or
solutions, that is identified in the "Hazardous Materials Table
and Hazardous Materials Communications" (49 CFR 172.101) when
offered for transportation in one package, or in one transport
vehicle if not packaged, and when the quantity of the material
therein equals or exceeds the reportable quantity (RQ). This
definition does not apply to petroleum products that are
lubricants or fuels, or to mixtures or solutions of hazardous
substances if in a concentration less than that shown in "General
Information, Regulations and Definitions" (49 CFR 171.8) based
on the reportable quantity (RQ) specified for the materials
listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1990)

"Hazardous waste" means any material that is subject to the
hazardous waste manifest requirements of the EPA specified in
"Standards Applicable to Generators of Hazardous Waste" (40 CFR
262) or would be subject to these requirements absent an interim
authorization to a State under "State Program Requirements" (40
CFR 123), Subpart F. (49 CFR 390.5, October 1, 1990)

"Illinois State Police" means any individual officer of the
Illinois State Police.

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"IMPLEMENT OF HUSBANDRY" MEANS EVERY VEHICLE DESIGNED AND ADAPTED EXCLUSIVELY FOR AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK RAISING OPERATIONS, INCLUDING FARM WAGONS, WAGON TRAILERS OR LIKE VEHICLES USED IN CONNECTION THEREWITH, OR FOR LIFTING OR CARRYING AN IMPLEMENT OF HUSBANDRY PROVIDED THAT NO FARM WAGON, WAGON TRAILER OR LIKE VEHICLE HAVING A GROSS WEIGHT OF MORE THAN 36,000 POUNDS, SHALL BE INCLUDED HEREUNDER. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1990)

"INTERSTATE COMMERCE" MEANS TRANSPORTATION BETWEEN TWO OR MORE STATES OR TRANSPORTATION ORIGINATING IN ONE STATE AND PASSING INTO OR THROUGH OTHER STATES FOR DELIVERY IN ANOTHER STATE. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1990)

"Law" means the Illinois Motor Carrier Safety Law. (Ill. Rev. Stat. 199189, ch. 95 1/2, pars. 18b-100 et seq., as amended by P.A. 87-829, effective January 17, 1992.)

"Motor carrier" means a for-hire motor carrier or a private motor carrier of property. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR. 390.5, October 1, 1990)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter 1, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or

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car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1990)

"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1990)

"PERSON" MEANS ANY NATURAL PERSON OR INDIVIDUAL, GOVERNMENTAL BODY, FIRM, ASSOCIATION, PARTNERSHIP, COPARTNERSHIP, JOINT VENTURE, COMPANY, CORPORATION, JOINT STOCK COMPANY, TRUST, ESTATE OR ANY OTHER LEGAL ENTITY OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 18b-101(5) of the Law)

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49 CFR 387) and "Notification and Reporting of Motor Accidents" (49 CFR 394) or "Qualification of Drivers" (49 CFR 391), "Hours of Service of Drivers" (49 CFR 395), and "Inspection, Repair and Maintenance" (49 CFR 396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (49 CFR 390.5, October 1, 1990)

"Private motor carrier of passengers" means a person who is engaged in an enterprise and provides transportation of passengers, by motor vehicle, that is within the scope of, and in the furtherance of that enterprise. (49 CFR 390.5, October 1, 1990)

"Private motor carrier of property" means a person who provides transportation of property by motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1990)

"Regional Director" means the Regional Director, Office of Motor Carrier Safety, for a given geographical region of the United States. (49 CFR 390.5, October 1, 1990)

"Regularly employed driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49 CFR 390.5, October 1, 1990)

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"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1990)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1990)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT" MEANS A VEHICLE OF THE SECOND DIVISION HAVING A CORN SHELLER, A WELLDRIILLER, HAY PRESS, CLOVER HULLER, FEED MIXER AND UNLOADER OR OTHER FARM MACHINERY PERMANENTLY MOUNTED THEREON AND USED SOLELY FOR TRANSPORTING THE SAME. FARM WAGON TYPE TRAILERS HAVING A FERTILIZER SPREADER ATTACHMENT PERMANENTLY MOUNTED THEREON, HAVING A GROSS WEIGHT OF NOT TO EXCEED 36,000 POUNDS AND FARM WAGON TYPE TANK TRAILERS (I.E., NURSE TANKS) NOT TO EXCEED 2,000 GALLON CAPACITY. ALSO INCLUDES ANY SINGLE UNIT SELF-PROPELLED AGRICULTURAL FERTILIZER IMPLEMENT, DESIGNED FOR BOTH ON AND OFF ROAD USE, EQUIPPED WITH FLOTATION TIRES AND OTHERWISE ESPECIALLY ADAPTED FOR THE APPLICATION OF PLANT FOOD MATERIALS OR AGRICULTURAL CHEMICALS. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1990)

"Trailer" includes"

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight,

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except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1990)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1990)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1990)

"Truck" means any self-propelled motor vehicle except a truck tractor, designed and or used for the transportation of property. (49 CFR 390.5, October 1, 1990)

"Truck tractor" means a self-propelled motor vehicle designed and or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1990)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1990)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 16 Ill. Reg. 14435, effective September 8, 1992)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference of 49-CFR-390, Subpart-B

- a) 49 CFR 390, Subpart B is hereby incorporated by reference as that Subpart of the FMCSR was in effect on October 1, 1990, as amended at 57 FR 3140, January 28, 1992, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, Subpart B are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 390, Subpart B shall apply for the purposes of this Subpart.

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- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 3) 49 CFR 390.23 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 5) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 6) Any reference to a section in the incorporated material shall be read to refer to that Section in the MCSR.
- 7) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1990)
- c) The "North American Uniform Out-of-Service Criteria" is incorporated by reference, as that part of the Commercial Vehicle Safety Alliance standards that was in effect on February 15, 1992. No later amendments to or editions of the North American Uniform Out-of-Service Criteria are incorporated.

(Source: Amended at 16 Ill. Reg. 14435, effective September 8, 1992)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number:

310.290	Amended
310.450	Amended
310.455	Amended
310.470	Amended
310.530	Amended
310.540	Amended
310. Appendix C	Amended
310. Appendix D	Amended
- 4) The specific statutory citation upon which the rule is based and authorized:

Illinois Revised Statutes 1989 1991, ch. 127, par. 63b108a(?)
- 5) The effective date of the rule: September 4, 1992
- 6) If this emergency rule is to expire before the end of the 150 days period, please specify the date:

The emergency amendment will extend to the full 150 days.
- 7) Date filed in Agency's principle office: September 4, 1992
- 8) The reason for the emergency:

This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 1993 affecting the Merit Compensation System Salary Schedule.
- 9) A Complete Description of the Subjects and Issues Involved:

The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 1993 Pay Plan changes that affect those employees subject to the Merit Compensation System Salary Schedule. The following sections are being amended:

In Section 310.290, Out-of-State or Foreign Service Rate, salary ranges for those titles within this section that are subject to the provisions of the Schedule of Salary Grades are being increased to maintain the present differential for positions out of the State of Illinois. Also, at the request of the Department of Revenue, the Office Administrator IV classification is being included with the

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salary range or \$2,142 -3,357 for the State of California and New Jersey, and \$1,895 - 2,969 for all other states.

In Sections 310.450, 310.530 and 310.540, the provision which suspended salary increases under the Merit Compensation System Salary Schedule is being omitted.

In Section 310.450(d), the provision is being changed to reflect that no increase can be provided on ratings of "Needs Improvement" or "Unacceptable".

In Section 310.455, the Intermittent Merit Increases are being suspended for Fiscal Year 1993.

In Section 310.470, a provision is being included that an approved salary adjustment of more than either 3% or \$150.00 per month will change the employee's creditable service date.

In Section 310.540, the Merit Increase Guidechart has been revised to reflect the following percentage increases for the following evaluations: 0% to 8.5% for superior, 0% to 6.5% for Exceeds Expectations and 0% to 4.5% for Meets Expectations.

In Section 310. Appendixes C and D, the Schedule for the Physician Administrator Rates and Medical Facilities Administrator Rates and the Merit Compensation System Salary Schedule have been adjusted by 4% for Fiscal Year 1993.

10) Are there any proposed amendments pending to this part? Yes

Section Number	Proposed Action	Ill. Reg. Citation
310.290	Amended	16 Ill. Reg. 6521 (April 24, 1992)
310.110	Amended	16 Ill. Reg. 13679 (Sept. 11, 1992)
310.130	Amended	16 Ill. Reg. 13679 (Sept. 11, 1992)
310. Appendix B	Amended	16 Ill. Reg. 13463 (August 28, 1992)

11) Statement of Statewide Policy Objectives:

This rulemaking does not affect local government units.

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Emergency Rule is as follows:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes ;-Effective-July-1;-1991 for Fiscal Year 1993
EMERGENCY	Interpretation and Application of Pay Plan
310.120	Effective Date
310.130	
EMERGENCY	Reinstitution of Within Grade Salary Increases
310.140	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)
310.150	

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
EMERGENCY	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.320	Excluded Classes Rate (Repealed)
310.330	

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SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
EMERGENCY	
310.455	Intermittent Merit Increase
EMERGENCY	
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
EMERGENCY	
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
EMERGENCY	
310.540	Annual Merit Increase Guidechart for Fiscal Year 1992 1993
EMERGENCY	
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSQE)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSQE)
TABLE I	RC-009 (Institutional Employees, AFSQE)
TABLE J	RC-014 (Clerical Employees, AFSQE)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSQE) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSQE) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSQE)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSQE)

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TABLE R	RC-042	(Residual Maintenance Workers, AFSCME)
TABLE S	HR-012	(Fair Employment Practices Employees, SEIU)
TABLE T	HR-010	(Teachers of Deaf, IFT)
TABLE U	HR-010	(Extracurricular Paid Activities)
TABLE V	CU-500	(Corrections Meet and Confer Employees)
TABLE W	RC-062	(Technical Employees, AFSCME)
TABLE X	RC-063	(Professional Employees, AFSCME)
TABLE Y	RC-063	(Educators, AFSCME)
TABLE Z	RC-063	(Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year <u>1992 1993</u>	
EMERGENCY	Physician Administrator Rates and Medical Facilities	
APPENDIX C	Administrator Rates for Fiscal Year <u>1992 1993</u>	
EMERGENCY	Merit Compensation System Salary Schedule for Fiscal Year <u>1992 1993</u>	
APPENDIX D	Teaching Salary Schedule (Repealed)	
EMERGENCY	Physician and Physician Specialist Salary Schedule (Repealed)	
APPENDIX E	Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. <u>1989 1991</u> , ch. 127, par. 63b108a(2)).	
APPENDIX F		

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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NOTICE OF EMERGENCY AMENDMENTS

150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; emergency amendment at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at

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NOTICE OF EMERGENCY AMENDMENTS

14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7632, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days.

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NOTICE OF EMERGENCY AMENDMENTS

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range	
	Effective Fiscal Year	1992 1993
Foreign Service Economic Development Executive I	2634----	4561
	2739 -	4743
Foreign Service Economic Development Executive II	3415----	5998
	3552 -	6238
Foreign Service Economic Development Representative	2268----	3793
	2359 -	3945
Office Administrator IV (CO, CA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)	1895 -	2969
(CA, NJ)	2142 -	3357
Office Assistant (Foreign Service)	1566----	1934
	1605 -	1983
Office Associate (CO, CA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)	1676----	2101
(CA, NJ)	1717 -	2154
	1894----	2375
	1941 -	2435
Office Coordinator (CO, CA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI)	1739----	2191
(CA, NJ)	1783 -	2246
	1966----	2477
	2015 -	2539

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NOTICE OF EMERGENCY AMENDMENTS

Revenue Audit Supervisor

(OH, TX)

(CA, NJ)

2997---5284
3117 - 5497
3388---5974
3523 - 6214

Revenue Auditor I

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

2369---3099
2429 - 3176
2678---3504
2746 - 3591

Revenue Auditor II

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

2620---3447
2685 - 3533
2961---3896
3036 - 3994

Revenue Auditor III

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

2919---3874
2991 - 3971
3299---4397
3381 - 4489

Revenue Auditor Trainee

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

1975---2527
2024 - 2590
2232---2856
2288 - 2928

Revenue Assistant Audit Field Manager

(OH, TX)

(CA, NJ)

3182---5655
3309 - 5881
3597---6392
3741 - 6648

Revenue Field Audit Manager

(NJ)

3840---6839
3993 - 7112

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Tax Examiner

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

1739---2191
1783 - 2246
1966---2477
2015 - 2539

Tax Examiner Trainee

(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)

(CA, NJ)

1566---1934
1605 - 1983
1771---2187
1815 - 2241

(Source: Emergency amendment at at 16 Ill. Reg. 14452, effective
September 4, 1992, for a maximum of 150 days)

Section 310.450 Procedures for Determining Annual Merit Increases

~~Effective July 1, 1991, the provisions for salary increases normally
allowed under Section 310.450 as set forth below are suspended. No
increases can be granted under this provision until further amendment.~~

- An annual merit increase is an in-range salary adjustment for demonstrated performance.
- Eligibility for an annual merit increase shall be determined by the following conditions:

- Each employee will be eligible for a merit review after attaining 12 months creditable service. The employee's immediate supervisor shall prepare an Individual Development and Performance Evaluation form prior to the Performance Review Date, and discuss the results with the employee.
- Should the Individual Development and Performance review result in the employee not being eligible for an annual merit increase due to provisions of Section 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued.

- Based upon the results of the Individual Development and Performance Evaluation, the employees' immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase.

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- d) The amount of an annual merit increase recommendation shall be determined by use of the Merit Increase Guidechart of Section 310.540 if the employee's Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at a Category 4, 3 or higher level. An employee whose Individual Development and Performance Evaluation has, on the Performance Review Date been evaluated at Category 4 or 5 shall not receive an increase in the present base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position.
- e) The employee's immediate supervisor shall prepare a performance Certification and Salary Increase Recommendation form indicating whether or not the employee is eligible for an annual merit increase and the amount thereof.
- f) The employee's immediate supervisor shall forward the Individual Development and Performance Evaluation records and Performance Certification and Salary Increase Recommendation records to the agency head or a designated authority for review and approval.
- g) Annual merit increase in pay shall become effective the first day of the month in which the employee's Performance Review Date occurs.

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310.455 Intermittent Merit Increase

Until further amendment, Intermittent Merit Increases are suspended for Fiscal Year 1993.

- a) An Intermittent Merit Increase may be proposed by a supervisor when one of the following conditions have been met: Outstanding performance of a substantial project; outstanding performance by a manager or supervisor that greatly improves operating efficiency; performance significantly beyond standards for a sustained period. The supervisor must document the circumstances justifying the merit increase.
- b) An Intermittent Merit Increase may be awarded in any whole dollar amount up to 5% of current base salary. An Intermittent Merit Increase may be awarded to an employee not more often than once in a six month period.

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NOTICE OF EMERGENCY AMENDMENTS

- c) The increase must have the prior approval of the agency Director and the Director of Central Management Services.

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310.470 Adjustment

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Such adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

A salary adjustment greater than either 3% or \$150.00 will create a new creditable service date.

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year 1992 1993 ~~will continue~~ is as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year 1992 1993 is ~~modified; effective July 1, 1991, to suspend Merit increases until further amendment~~ as set forth in Section 310.540 of the Pay Plan.
- c) Any employee with a performance review date of July 1, August 1 or September 1, 1992 who received a salary payment that did not reflect the use of the Merit Guidechart as set forth in Section 310.540 shall receive a lump sum payment equal to the difference between what was initially paid and what is determined to be appropriate by use of the Merit Increase Guidechart.
- (Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 1992
1993

~~With further amendment, merit increases are suspended, effective July 1, 1991.~~

Category	Definition	Allowable Increase
Category 1	Superior	0% 0% to 8.5%
Category 2	Exceeds Expectations	0% 0% to 6.5%
Category 3	Meets Expectations	0% 0% to 4.5%
Category 4	Needs Improvement	0%
Category 5	Unacceptable	0%

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310. Appendix C - Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1992
1993

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Facilities Administrator-I-Option-C	5,965	7,171	8,377
Medical Facilities Administrator-I-Option-D	71,580	86,052	100,524
Medical Facilities Administrator-I-Option-D	6,662	7,898	9,134
Medical Facilities Administrator-I-Option-D	79,944	94,776	109,608
Medical Facilities Administrator-II-Option-C	6,446	7,671	8,896
Medical Facilities Administrator-II-Option-C	72,352	92,052	106,752
Medical Facilities Administrator-II-Option-D	7,403	8,676	9,949
Medical Facilities Administrator-II-Option-D	86,836	104,112	119,388
Medical Facilities Administrator-III	7,664	9,063	10,462
Medical Facilities Administrator-III	91,968	108,756	125,544
Medical Facilities Administrator-IV	7,780	9,187	10,585
Medical Facilities Administrator-IV	93,468	110,244	127,020

Medical Facilities Administrator-V	7,914	9,312	10,710
Medical Facilities Administrator-V	94,968	111,744	128,520
Physician Administrator-I	4,711	5,781	6,851
Physician Administrator-I	56,532	69,372	82,212
Physician Administrator-II	4,837	5,935	7,033
Physician Administrator-II	58,944	71,720	84,596
Physician Administrator-III	4,967	6,095	7,223
Physician Administrator-III	59,604	73,140	86,676
Physician Administrator-IV	5,225	6,321	7,417
Physician Administrator-IV	62,700	75,852	89,004
Physician Administrator-V	5,549	6,531	7,513
Physician Administrator-V	66,588	78,372	90,156
Medical Facilities Administrator I Option C	6,204	7,458	8,712
Medical Facilities Administrator I Option C	74,448	89,496	104,544
Medical Facilities Administrator I Option D	6,928	8,214	9,500
Medical Facilities Administrator I Option D	83,136	98,568	114,000
Medical Facilities Administrator II Option C	6,704	7,978	9,252
Medical Facilities Administrator II Option C	80,448	95,736	111,024
Medical Facilities Administrator II Option D	7,699	9,023	10,347
Medical Facilities Administrator II Option D	92,388	108,276	124,164
Medical Facilities Administrator III	7,971	9,426	10,881
Medical Facilities Administrator III	95,652	113,112	130,572
Medical Facilities Administrator IV	8,101	9,555	11,009
Medical Facilities Administrator IV	97,212	114,660	132,108
Medical Facilities Administrator V	8,231	9,685	11,139
Medical Facilities Administrator V	98,772	116,220	133,668
Physician Administrator I	4,899	6,012	7,125
Physician Administrator I	58,788	72,144	85,500
Physician Administrator II	5,030	6,172	7,314
Physician Administrator II	60,360	74,064	87,768
Physician Administrator III	5,166	6,339	7,512
Physician Administrator III	61,992	76,068	90,144

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Physician Administrator IV	5,434	6,574	7,714
	65,208	78,888	92,568
Physician Administrator V	5,771	6,793	7,815
	69,252	81,516	93,780

The rates of pay for physicians occupying or appointed to a position in the Physician Administrator classes and the Medical Facilities Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to Physician Administrator positions and the Medical Facilities Administrator positions.

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

Section 310. Appendix D - Merit Compensation System Salary Schedule for Fiscal Year 1992 1993

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary	Merit Pay Zone Limit
MG-1	1,580	2,013	2,446	2,568
	18,960	24,156	29,352	30,816
MG-2	1,648	2,115	2,582	2,711
	19,776	25,380	30,984	32,532
MG-3	1,727	2,237	2,747	2,884
	20,724	26,844	32,964	34,608
MG-4	1,806	2,341	2,876	3,020
	21,672	28,092	34,512	36,240
MG-5	1,895	2,477	3,059	3,212
	22,740	29,724	36,708	38,544
MG-6	1,990	2,602	3,214	3,375
	23,880	31,224	38,568	40,500
MG-7	2,097	2,760	3,423	3,594
	25,164	33,120	41,076	43,128
MG-8	2,210	2,927	3,644	3,826
	26,520	35,124	43,728	45,912

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MG-9	2,336	3,089	3,842	4,034
	28,032	37,068	46,104	48,408
MG-10	2,467	3,290	4,113	4,319
	29,604	39,480	49,356	51,828
MG-11	2,606	3,491	4,376	4,595
	31,272	41,892	52,512	55,140
MG-12	2,767	3,725	4,683	4,917
	33,204	44,700	56,196	59,004
MG-13	2,954	3,982	5,010	5,261
	35,448	47,784	60,120	63,132
MG-14	3,160	4,275	5,390	5,660
	37,920	51,300	64,680	67,920
MG-15	3,392	4,583	5,774	6,063
	40,704	54,996	69,288	72,756
MG-16	3,631	4,924	6,217	6,528
	43,572	59,088	74,604	78,336
MG-17	3,918	5,315	6,712	7,048
	47,016	63,780	80,544	84,576
MG-18	4,223	5,553	6,883	7,227
	50,676	66,636	82,596	86,724
MG-19	4,562	5,882	7,042	7,394
	54,744	69,624	84,504	88,728
MC 1	1,643	2,094	2,545	2,671
	19,716	25,128	30,540	32,052
MC 2	1,714	2,200	2,686	2,819
	20,568	26,400	32,232	33,828
MC 3	1,796	2,327	2,858	2,999
	21,552	27,924	34,296	35,988
MC 4	1,878	2,435	2,992	3,141
	22,536	29,220	35,904	37,692
MC 5	1,971	2,576	3,181	3,340
	23,652	30,912	38,172	40,080

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MC 6	2,070	2,707	3,344	3,510
	24,840	32,484	40,128	42,120
MC 7	2,181	2,871	3,561	3,738
	26,172	34,452	42,732	44,856
MC 8	2,298	3,044	3,790	3,979
	27,576	36,528	45,480	47,748
MC 9	2,429	3,213	3,997	4,195
	29,148	38,556	47,964	50,340
MC 10	2,566	3,422	4,278	4,492
	30,792	41,064	51,336	53,904
MC 11	2,710	3,631	4,552	4,779
	32,520	43,572	54,624	57,348
MC 12	2,878	3,874	4,870	5,114
	34,536	46,488	58,440	61,368
MC 13	3,072	4,141	5,210	5,471
	36,864	49,692	62,520	65,652
MC 14	3,286	4,446	5,606	5,886
	39,432	53,352	67,272	70,632
MC 15	3,528	4,767	6,006	6,306
	42,336	57,204	72,072	75,672
MC 16	3,776	5,121	6,466	6,789
	45,312	61,452	77,592	81,468
MC 17	4,075	5,528	6,981	7,330
	48,900	66,336	83,772	87,960
MC 18	4,392	5,775	7,158	7,516
	52,704	69,300	85,896	90,192
MC 19	4,744	6,034	7,324	7,690
	56,928	72,408	87,888	92,280

(Source: Emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days)

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ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Dual Party Relay Service
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3) Section Numbers: Emergency Action:
756.210
Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101).
- 5) Effective Date of Amendment: September 3, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: September 2, 1992
- 8) Reason for Emergency: The confidentiality provisions of Part 756 are potentially in conflict with the Illinois Telecommunications Access for the Deaf and Severely-Hearing Impaired Corporation's and the local exchange telecommunications carriers' legal obligations to comply with subpoenas and lawful requests of law enforcement agencies.
- 9) A Complete Description of the Subjects and Issues Involved: The emergency amendment specifically allows the operators of the relay system to reveal certain information as required or permitted by law. This is designed to facilitate the "trap and trace" of harassing telephone calls using the relay system.
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives: This proposed neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION
NOTICE OF EMERGENCY AMENDMENT

- 11) Information and questions regarding this amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 785-8439

The full text of the emergency amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF EMERGENCY AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 756
DUAL PARTY RELAY SERVICE
SUBPART A: GENERAL PROVISIONS

Section
756.10 Definitions
756.15 Dispute Procedures
756.20 Notice

SUBPART B: LEC OBLIGATIONS

Section
756.100 Components of Relay Service
756.105 Relay Service Execution and Administration
756.110 Publicity Concerning Relay Service
756.115 System Provider Selection Process
756.120 System Provider Interactions
756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section
756.200 Relay Service General Quality Standards
756.205 Relay Service Operations and Specifications
756.210 Relay Service Operator Standards
EMERGENCY
756.215 System Provider Reporting Requirements
756.220 Relay Service Billing and Collection Procedures
756.225 Relay Service Revenues

SUBPART D: OVERSIGHT AND REVIEW

Section
756.300 Staff Liaison
756.305 Advisory Council Rights
756.310 Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101).

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days.

Section 756.210 Relay Service Operator Standards
EMERGENCY

a) Each relay system operator shall be trained to be familiar with the special communications needs of persons who are hearing-impaired. The system provider shall request such training from organizations with prior experience in the provision of services to the hearing-impaired community.

b) Relay system operators shall keep all communicated information strictly confidential, except as otherwise required or permitted by law.

1) Except for purposes of billing calls and as otherwise required or permitted by law, operators shall not reveal information about any call, including the fact that the call occurred.

2) When training new operators by the method of sharing past experiences, the trainers shall not reveal any of the following information:

- A) Names, genders, or ages of the parties to the call;
- B) Originating or terminating points of call; and
- C) Specifics of the information conveyed in the call.

c) Relay system operators shall convey the full content, context, and intent of the communications they translate, using language most readily understood by the person receiving the information.

d) Relay system operators shall not counsel, advise or interject personal opinions or additional information into any communication which they are translating.

e) Relay system operators shall be available to accept calls in English and the written syntax of American Sign Language.

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f) If requested by the originating caller, relay system operators shall attempt to complete calls 3 times, consecutively, without delay when receiving busy signals.

g) Any paper printouts made at a relay center of communications conducted over the relay service shall be destroyed within 4 hours of the conclusion of the communications, except as otherwise required or permitted by law.

h) No relay system operator shall disconnect a call against the wishes of the originating and terminating parties without first obtaining the permission of the relay system operator's supervisor. In the instance that a call is terminated, the supervisor shall log the reason for the termination and sign the log. The supervisor shall authorize such disconnections only in instances in which the caller is abusive to or intentionally uncooperative with the relay system operator.

i) All relay service operator-handled calls shall be carefully supervised. Disconnects shall be made promptly at the end of each call.

j) Upon receiving an emergency call from a TDD user, a relay system operator shall attempt to complete the call to a Public Safety Answering Point number which the caller supplied and which can be directly accessed by the relay system operator.

(Source: Emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Numbers: Proposed Action:
- | | |
|---------|-------------|
| 144.350 | New Section |
| 144.375 | New Section |
| 144.400 | New Section |
| 144.405 | New Section |
| 144.425 | New Section |
| 144.450 | New Section |
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
April 10, 1992 (16 Ill. Reg. 5806)
- 5) Reason for the Withdrawal: During the past year, the Department anticipated conversion from the Quality Incentive Program (QUIP) for long term care (LTC) facilities, to the Total Life Integration (TLI) Program for ICF/MR facilities, and the A-1 Program for nursing facilities. As with QUIP, the two new programs were intended to encourage LTC providers, through a monetary incentive to provide a high quality of care for facility residents. Therefore, proposed amendments were filed regarding the Total Life Integration Program, and were published on April 10, 1992 at 16 Ill. Reg. 5806. Proposed amendments were filed separately for the A-1 Program and the repeal of QUIP because those Sections are found in Part 140.

Following the filing of these proposed amendments, budgetary constraints facing the Department seemed to indicate that the implementation of the new incentive programs would be unlikely. But while the Department was sure that the repeal of QUIP should move forward, the outcome of plans for TLI and A-1 was not clear. The decision was made to wait for further action on the new programs, but to proceed with the repeal of QUIP. Since proposed amendments for A-1 and the repeal of QUIP were filed together, it was necessary to repropose the repeal of QUIP. This reproposal was filed on June 5, 1992, and published on June 19, 1992, at 16 Ill. Reg. 9393.

The recent legislative session has concluded with appropriations for medical services in Fiscal Year 1993, which will not allow for the implementation of the new incentive programs for LTC facilities. Therefore, it is now necessary to withdraw the proposed amendments regarding the TLI Program for ICF/MR facilities. The proposed amendments concerning the A-1 Program are being addressed in a separate Notice of Withdrawal.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
- | | |
|---------|-----------|
| 140.420 | Amendment |
| 140.421 | Amendment |
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
June 26, 1992 (16 Ill. Reg. 10145)
- 5) Reason for the Withdrawal: These proposed amendments would result in the elimination of payments by the Department for adult dental services. These amendments were proposed in conjunction with the anticipated need for substantive budget reductions for Fiscal Year 1993. Since adult dental services are not federally mandated, the elimination of payments for such services was determined to be warranted because of the State of Illinois' financial condition.

However, the recent legislative session has concluded with appropriations for medical services in Fiscal Year 1993, which will allow for the continuation of the adult dental program. Therefore, the proposed amendments for the elimination of that program are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

Section Numbers:	Proposed Action:
140.526	Repeal
140.527	Repeal
140.528	Repeal
140.529	Repeal
140.600	New Section
140.602	New Section
140.604	New Section
140.606	New Section
140.608	New Section
140.610	New Section
140.612	New Section
140.614	New Section

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
January 10, 1992 (16 Ill. Reg. 472)
- 5) Reason for the Withdrawal: During the past year, the Department anticipated conversion from the Quality Incentive Program (QUIP) for long term care (LTC) facilities, to the A-1 Program for nursing facilities, and the Total Life Integration (TLI) Program for ICF/MR facilities. As with QUIP, the two new programs were intended to encourage LTC providers, through a monetary incentive, to provide high quality care for facility residents. Therefore, proposed amendments were filed regarding the A-1 Program, and for the repeal of QUIP, and were published on December 30, 1991 at 16 Ill. Reg. 472. Proposed amendments were filed separately for the TLI Program because those Sections are found in Part 144.

Following the filing of these proposed amendments, budgetary constraints facing the Department seemed to indicate that the implementation of the new incentive programs would be unlikely. But while the Department was sure that the repeal of QUIP should move forward, the outcome of plans for A-1 and TLI was not clear. The decision was made to wait for further action on the new programs, but to proceed with the repeal of QUIP. Since proposed amendments for A-1 and the repeal of QUIP were filed together, it was necessary to repropose the repeal of QUIP. This reproposal was filed on June 5, 1992, and published on June 19, 1992, at 16 Ill. Reg. 9393.

AMENDED 10/4/92

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1991, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)
2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the Second Quarter of 1992.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Agents	Interstate Commerce
Agricultural Producers and Products	Itinerant Vendors
Assessments	Leasing
Automobile Renting Tax	Liquor Tax
Bingo	Local Taxes
Books and Records	Mandatory Service Charges
Bulk Sales	Manufacturers
C.O.A.D.	Manufacturing Machinery and Equipment
Certificate of Registration	Medical Appliances
Cigarette Tax	Miscellaneous
Claims for Credit	Motor Fuel Tax
Coal Fueled Devices	Motor Vehicles
Coal Mining Equipment	Nexus
Coins & Precious Metals	Nonprofit Institutions
Computer Software	Occasional Sale
Construction Contractors	Oil Field Equipment
Cooperative Associations	Penalties
Delivery Charges	Pollution Control Facilities
Distillation Machinery	Prepaid Sales Tax
Drugs	Products of
Enterprise Zones	Photoprocessing
Exempt Organizations	Property Tax
Farm Machinery & Equipment	Public Utility Taxes
Federal Excise Tax	Real Estate Transfer Tax
Financial Institutions	Repairs
Food	Replacement Vehicle Tax
Governmental Bodies	Returns
Graphic Arts	Rolling Stock Exemption
Gross Receipts	Sale at Retail
Hotel Operators' Tax	
Interest	

Sale for Resale
Sale of Service
Sellers of Newspapers, Magazines, Etc.
Signature
Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62708
Telephone: (217) 782-6996

BINGO

92-0228 \$1.00 05/08/1992 A license for bingo is required when the game of bingo is played and consideration is paid for bingo cards. If no consideration is required for the cards, then bingo, as defined in the regulations implementing the Bingo License and Tax Act, is not being played and no license is required by the Department.

92-0236 \$1.00 05/15/1992 Raffles are governed by "AN ACT to Provide for Licensing and Regulating Certain Games of Chance" found at Ill.Rev.Stat. 1989, ch. 85, par. 2301 et seq.

92-0287 \$1.00 06/11/1992 Only bona fide raffles for which a licensee has obtained a license may be conducted during bingo games. The conduct of raffles is governed by municipal or county governing bodies, under "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named," Ill.Rev.Stat. 1989, ch. 85, par. 2301 et seq.. The Department of Revenue does not regulate the conduct of raffles.

92-0307 \$1.25 06/23/1992 Regulations governing the conduct of bingo games are found at 86 Ill. Adm. Code 430.110 et seq. Non-confidential information on specific licensees, suppliers, or providers can be requested under the Freedom Of Information Act.

BOOKS AND RECORDS

92-0270 \$1.00 06/05/1992 Taxpayers may use records prepared by an automated data process system, as long as all the terms of Section 130.805(c) are met.

CERTIFICATE OF REGISTRATION

92-0213 \$1.00 04/24/1992 An Amish taxpayer who has not obtained a Social Security number due to religious convictions, may still be permitted to register in Illinois.

CLAIM FOR CREDIT

92-0312 \$1.25 06/23/1992 When a taxpayer is audited and prior to issuance of a Notice of Tax Liability, pays the full or partial amount alleged to be due and later discovers that he erroneously paid those

COMPUTER SOFTWARE

92-0231 \$1.25 05/12/1992 A licensing agreement which does not contain the criteria required in Section 130.1935(a)(1)(A-E) constitutes a taxable sale of software. Agreement provisions stating that the customer is granted a "non-transferable copyright license to use the program," are not equivalent to the requirement of Subsection (a)(1)(C) that the license prohibit the customer from licensing, sublicensing or transferring the software to a third party. The agreement must do more than advise about the nature of the license; it must instead make actual prohibitions, as required by Section 130.1935.

92-0258 \$1.00 06/04/1992 The taxability of gross receipts from the sale of computer software is the subject of 86 Ill. Adm. Code 130.1935.

92-0284 \$1.25 06/10/1992 If non-taxable software is sold in conjunction with taxable hardware, the customer's bill must separately state the selling price of the non-taxable software; if not, the whole bill is taxable. The bill must also clearly show the taxable and non-taxable items, and the amount of tax charged for the items that are taxable.

92-0294 \$1.25 06/17/1992 A service maintenance contract which includes updates of canned software is entirely taxable, unless the charges for the updates are stated separately, in which case only the update charges are taxable. The sellers of maintenance contracts owe Use Tax on the cost price of the materials transferred incident to completion of the maintenance contract.

92-0295 \$1.50 06/18/1992 A license of computer software is not a taxable retail sale if it contains all five of the elements set out at 86 Ill. Adm. Code Section 130.1925(a)(1).

92-0321 \$1.00 06/29/1992 Pursuant to Section 130.1935, sales of canned software are taxable in Illinois.

amounts, he may file a Claim for Credit as long as his claim is not barred by the statute of limitations.

1992 SECOND QUARTER SUNSHINE INDEX

DEPARTMENT OF REVENUE

1992 SECOND QUARTER SUNSHINE INDEX

CONSTRUCTION CONTRACTORS

92-0186 \$1.25 04/06/1992 In Illinois a construction contractor is responsible for Use Tax on the purchase of materials that are purchased for use by the construction contractor, i.e. forms and tools.

92-0201 \$1.75 04/15/1992 This letter explains that out-of-State contractors performing turn key contracts in Illinois owe Use Tax on the materials which they permanently incorporate into real estate; also, when they transfer tangible personal property pursuant to their contract, they are deemed to be "out-of-State retailers maintaining a place of business in this State" and must collect Use Tax on their sales to Illinois customers.

92-0268 \$1.00 06/05/1992 This letter sets out the application of the Illinois sales tax laws to sales of modular homes.

92-0277 \$1.25 06/09/1992 In Illinois, construction contractors are deemed to be the users of the building materials which they purchase for physical affixation to real estate.

92-0286 \$1.25 06/10/1992 Landscape contractors are deemed to be the users of trees, bushes, other plantings and soil which they incorporate into real estate in fulfilling landscape contracts.

92-0320 \$1.00 06/25/1992 A construction contractor may certify to a supplier that materials are being purchased for conversion into real property that is owned by a church, charity, school or government body.

DRUGS

92-0326 \$1.00 06/30/1992 Isotopes (radioactive material) that are ingested or injected into a patient upon a physician's prescription and used in diagnostic testing with catscan or MRI equipment, constitutes a "drug" and are taxable at the low rate.

92-0339 \$1.00 06/30/1992 Section 130.310(c) explains that pills, powders, potions, salves, or other preparations intended for human use and which purport on the label to have medicinal qualities qualify for the low rate of tax as drugs. Cosmetics do not qualify for the low rate of tax.

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1992 SECOND QUARTER SUNSHINE INDEX

ENTERPRISE ZONES

92-0181 \$1.75 04/01/1992 An airline cannot allocate a percentage of its national fleet in order to satisfy the statutory requirements for XXXX certification of exemption from the Gas Revenue Tax Act, the Public Utility Revenue Tax Act and the Telecommunications Excise Tax Act as set forth in Ch. 111 2/3, Par. 9-222.1 and Chap. 67 1/2, Par. 601 et seq. of the Illinois Revised Statutes and XXXX regulations in 14 Ill. Admin. Code 520.1000.

92-0194 \$2.00 04/08/1992 Sales of building materials for incorporation into real estate located in an enterprise zone are exempt only under the provisions of 86 Ill. Adm. Code 130.1951.

92-0281 \$1.00 06/09/1992 This letter discusses the documentation necessary to claim the enterprise zone building materials exemption set out at 86 Ill. Adm. Code 130.1951(a).

92-0293 \$1.00 06/16/1992 Gravel purchased to line the entrance to a parking lot (to assist drainage) of a business located in an enterprise zone qualifies for the building materials exemption from the ROT, as long as it is purchased from a retailer located in the jurisdiction that created the zone and has been properly documented as exempt.

FARM MACHINERY AND EQUIPMENT

92-0189 \$1.00 04/07/1992 Off-road equipment used primarily in forestry harvesting and timber operations can qualify for the exemption afforded farm machinery and equipment used primarily in production agriculture.

92-0305 \$1.25 06/22/1992 Motor vehicles required to be registered pursuant to the Illinois Motor Vehicle Code do not qualify for the Farm Machinery and Equipment Exemption. Pressurized washers used to clean farm equipment, livestock facilities, and transportation equipment do not qualify for the Farm Machinery and Equipment Exemption.

92-0309 \$1.00 06/23/1992 Any document which contains the seller's name and address, the purchaser's name and address, and a statement that the property purchased will be used primarily in production agriculture will be sufficient in order to document the Farm Machinery and Equipment Exemption.

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92-0316 06/24/1992 Under 86 Ill. Adm. Code 130.305, farm equipment includes any independent device or apparatus separate from machinery that is essential to production agriculture, but does not include ordinary building materials to be permanently affixed to real property.

FOOD

92-0217 04/24/1992 Cereal product will qualify for low rate of tax if not sold for immediate consumption.

92-0239 05/18/1992 Herb capsules, powdered drinks, herb food bars, nutritional supplements and herb teas are considered foods and are all taxed at the low rate of tax, assuming that they are to be consumed off the premises where sold. In certain geographic areas, other taxes, such as the Regional Transportation Authority Retailers' Occupation Tax, the Metro East Mass Transit District Retailers' Occupation Tax, or the County Water Commission Retailers' Occupation Tax, are imposed on these products. Since September 1, 1991, municipal and county governments no longer have the authority to impose the Home Rule Retailers' Occupation Tax on the sale of food consumed off the premises where sold and drugs and medical appliances.

92-0269 06/05/1992 Unprepared coffee sold by a coffee distributor is taxable, if sold at retail, at the low rate of tax. This is because such coffee is not sold for immediate consumption (high rate). Instead, it is purchased for human consumption off the premises where it is sold, which subjects it to the low State rate of tax.

92-0324 06/29/1992 Powdered drink mixes are subject to low rate of tax.

GRAPHIC ARTS

92-0216 04/24/1992 Press blankets are exempt from sales tax under the Graphic Arts Exemption when used as a part of exempt press machinery.

92-0230 05/11/1992 A 2-tint preparation 286 workstation which is used primarily to directly produce typesetting, negatives and plates including final photo composition and color separation processes is exempt as graphic arts machinery. Equipment primarily used to

perform these functions is exempt pursuant to Section 130.325(c)(3)(A). However, a Canon color laser copier used to set up art boards to be finally photo composed by the workstation does not qualify for the exemption, even if it is essential to the graphic arts business. Per Section 130.325 (c)(4)(E), copiers do not qualify for the exemption. Only those items used directly in graphic arts production qualify.

92-0243 05/19/1992 Exemption extends only to machinery and equipment used in the act of producing graphic arts products. No other type of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

GROSS RECEIPTS

92-0198 04/13/1992 In order to claim a deduction from gross receipts for the value of a trade-in allowance, the sales transaction must be structured so that the seller allows the purchaser a trade-in allowance.

92-0202 04/15/1992 Shipping and handling charges are considered part of the selling price of the product sold, and hence taxable, unless the buyer and the seller agree upon these charges separate from the selling price of the merchandise. In a mail order context, there is deemed to be a separate agreement between the buyer and seller if the mail order form requires a separate charge for delivery and the charges designated as transportation or delivery or shipping and handling are actually reflective of the costs of such shipping, transportation or delivery.

92-0237 05/15/1992 A federal excise tax on diesel fuel, imposed at the producer or importer level, is properly included in the selling price of the fuel for Illinois sales tax purposes. A consumer who later receives a refund of that federal tax from the federal government is not entitled to obtain a refund of the Illinois tax which was paid on the federal tax. First, he did not bear the burden of the tax. Second, even if he did bear the burden of the tax, he could not obtain a refund because the tax was not erroneously paid. Rather, the federal excise tax was a valid component of the selling price of the fuel, and was therefore subject to Illinois sales tax.

92-0265 06/05/1992 Incoming freight charges are costs of doing business which cannot be deducted from taxable gross receipts when calculating Retailers' Occupation Tax liability.

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92-0280 06/09/1992 Gross receipts do not include the credit given for traded-in tangible personal property so long as the item traded-in is of like kind and character as the item being sold. \$1.00

92-0290 06/12/1992 When a food retailer, who normally only prepares food for pick-up by customers, provides both servers and delivery services, all receipts are subject to tax, even if the serving and delivery charges are separately stated. Once, this seller offers the services of a caterer, he is treated as one, with all his receipts being subject to tax. \$1.50

92-0337 06/30/1992 When a seller has been audited, and pays ROT on gross receipts for which he did not collect Use Tax, that seller is entitled to collect the Use Tax on those receipts from his customers. The amounts so collected as reimbursement are not subject to sales tax. However, the seller can only collect Use Tax on the amounts which he paid as Retailers' Occupation Tax. Anything in excess of these amounts is considered an overcollection. \$1.25

HOTEL OPERATORS' OCCUPATION TAX

92-0308 06/23/1992 The Hotel Operators' Occupation Tax is a tax which is imposed upon persons engaged in the business of renting or leasing hotel accommodations to guests for a period of less than thirty days. The Act does not include any provision for the exemption of exclusively charitable, religious or educational organizations. \$1.00

92-0313 06/24/1992 The Hotel Operators' Occupation Tax is a tax imposed upon persons engaged in the business of renting or leasing hotel accommodations to guests for a period of less than thirty days. The Act does not include any provision for the exemption of exclusively charitable, religious or educational organizations. \$1.00

92-0332 06/30/1992 When a university or college rents rooms to persons who are not enrolled with the school in courses of study for credit, the rentals are considered to be room rentals to the public at large. The university or college would incur Hotel Operators' Occupation Tax liability on rental receipts from this type of activity. \$1.00

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INTERSTATE COMMERCE

92-0183 04/06/1992 Where an Illinois retailer sells to an out-of-State trucking company and the out-of-State trucking company takes delivery in Illinois as a common carrier, the sale is subject to Retailers' Occupation Tax liability. An exemption is available in this situation only to common carriers by rail. \$1.50

92-0199 04/14/1992 If the seller, by the terms of his agreement with the buyer, is obligated to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to this State, and actually makes such delivery, the transaction is not taxable because it is a sale made into interstate commerce. Under this agreement, the buyer may contract for the common carrier, and even pay the carrier, but to claim the exemption, only the seller must be shown as the consignor/shipper. \$1.25

92-0235 05/15/1992 Request for information regarding use of driveway decals. \$1.00

92-0257 06/02/1992 A boat dealer selling a boat to an out-of-State customer picking up the boat in Illinois is subject to tax. Driveway decals can apply to sales of boat trailers. If a boat dealer delivers the boat and trailer to the out-of-State customer, he must retain the records described at Section 130.605(e)(3) to document the exempt nature of the sale. \$1.50

INVESTED CAPITAL TAX

92-0223 04/30/1992 If an entity is not regulated by the Illinois Commerce Commission, the provisions of Public Act 87-313 provide that such entity is not subject to the invested capital tax. If the change to "no-regulation status" occurs in the middle of a taxable period, the invested capital tax is computed on the portion of the taxable period during which the entity was taxable. \$1.25

LEASING

92-0205 04/16/1992 A true lease is one which has either a fair market value buyout provision at the end of the lease or no buyout provision at all. Illinois regards the lessor of a taxable personal property under a true lease as the end user of the property to be leased. Receipts collected under a conditional \$1.25

sale agreement are subject to Retailers' Occupation Tax and Use Tax as they are received.

05/07/1992 Lessors leasing equipment, other than automobiles for lease periods of a year or less, under true leases, are the end users of the equipment property which they lease, and owe Use Tax on the cost price of the equipment. In contrast, persons selling tangible personal property under conditional sales agreements (although perhaps called a "lease") are retailers and incur a Retailers' Occupation Tax liability on their gross receipts from sale. In the latter instance, that portion of the "rental receipts" which represents the selling price of the equipment, is subject to tax.

05/07/1992 A lessor of automobiles under leases for more than a year, who leases cars to other lessors under true leases, owes Use Tax up front of the cost price of the leased vehicles. Additionally, if such lessor offers the sub-lessor service contracts and sells no tangible personal property to the lessor, nor transfers no tangible personal property incident to service, he will incur no Illinois sales tax liability.

05/15/1992 A true lease generally has no buy out provision at the close of the lease, or if a buy out provision does exist, it must be a fair market value buy out option in order to maintain the character of the true lease.

05/20/1992 Lessors who utilize both conditional sales agreements and true leases cannot claim the occasional sale exemption when the equipment from its true leases comes off lease. This is because due to their retail sales of equipment through their conditional sales agreements, they are engaged in the business of selling equipment at retail. Persons who are engaged in the business of selling equipment at retail cannot claim the occasional sale exemption when they sell the same type of equipment coming off of a true lease.

06/05/1992 The application of the Illinois sales tax laws to lessors is set out at 86 Ill. Adm. Code 130.2010.

06/08/1992 An agreement which leases an item for a set period of time, and allows the "lessee" to buy the item at the end of the lease term for \$1.00, constitutes a conditional sale. Such transactions are subject to the Retailers' Occupation Tax.

06/09/1992 In Illinois, lessors are deemed to be the users of items purchased for their rental inventories. The Illinois sales tax laws impose no liability upon lessees. Consequently, the collection of tax by a lessor from a lessee is not authorized by the Illinois sales tax laws. However, nothing in the Illinois sales tax laws prohibits a lessor and lessee from entering into a lease agreement which provides that the lessee will reimburse the lessor for any sales tax liability incurred by the lessor as a result of the lease transaction.

06/18/1992 In Illinois lessors are deemed to be the users of items purchased for their rental inventories.

06/30/1992 The lessor of tangible personal property under a true lease in Illinois, is deemed the end user of the property to be leased. As the end user of tangible personal property located in Illinois, the lessor owes Use Tax on his cost price of such property.

06/30/1992 In a standard sale/leaseback situation, the initial purchase of equipment by a customer is a taxable retail sale. Accordingly, sales tax should be paid to the vendor when purchasing such equipment. So long as the customer is not otherwise engaged in the business of selling like-kind property, the customer's subsequent sale to the lessor/finance company is a non-taxable occasional sale.

06/30/1992 In Illinois, a true lease generally has no buy out provision at the close of the lease. If a buy out provision does exist, it must be a fair market value buy out option in order to maintain the character of the true lease. The lessor of tangible personal property under a true lease in Illinois, is deemed to be the end user of the leased property.

04/06/1992 The appropriate rate of tax is determined by the location of the seller's acceptance of purchase orders. If purchase orders are accepted outside the State of Illinois, then the tax rate is determined by the location of inventory held within this state.

04/21/1992 For sales made by Illinois retailers, it is the location where the purchase order is accepted, rather than the location of the warehouse from which the order is filled, or the

LOCAL TAXES

92-0187
\$1.00

92-0212
\$1.25

92-0330
\$1.25

92-0296
\$1.00

92-0327
\$1.25

92-0329
\$1.00

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final delivery destination, that determines which HMRROT will apply.

92-0214
\$1.25

04/24/1992 The Chicago Vehicle Fuel Tax, the Cook County Gasoline Tax, the Illinois Motor Fuel Tax are all deductible from a retailer's gross receipts, because the legal incidence of these taxes falls on the consumer. However, the federal excise tax on gasoline and diesel fuel is not deductible from a retailer's gross receipts because the legal incidence of those taxes falls upon wholesalers, manufacturers or importers. Sections 130.435 and 130.445 explain these principles. Sales of gasoline are not subject to the prepaid sales tax, per Section 130.551.

92-0215
\$1.25

04/24/1992 When sales tax reform was implemented in January, 1990, the tax base for all taxes administered by the State became the same. Therefore, since the Retailers' Occupation Tax grants an enterprise zone exemption for the sale of building materials, a city's Home Rule Municipal Retailers' Occupation Tax, the RTA Retailers' Occupation Tax, and the Metro East Mass Transit District Retailers' Occupation Tax must also afford these exemptions.

92-0318
\$1.00

06/25/1992 The appropriate rate of tax is determined by the location of the seller's acceptance of purchase orders. If a seller does not accept purchase orders in Illinois, then the rate of tax is determined by the location of inventory maintained in this state.

92-0333
\$1.25

06/30/1992 As a general proposition, the appropriate tax rate for a purchase is the tax rate in effect at the location of the seller. That is, the location where the seller accepts purchase orders or, in the absence of purchase order acceptance in Illinois, the location at which the seller maintains an Illinois inventory.

MANUFACTURING MACHINERY AND EQUIPMENT

92-0218
\$1.25

04/30/1992 A person who manufactures tombstones or other monuments for sale may claim the machinery and equipment exemption on abrasive blocks which are placed on a grinding head and used to polish granite, or for over-the-counter purchases of diamond abrasives which are placed on the tip of saw blades which cut granite. However, the purchase of one-time use stencils that are used to sandblast lettering or other decoration into, is a want to sandblast lettering or other decoration into, is a

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consumable supply, which does not qualify for the manufacturing machinery and equipment exemption.

92-0220
\$1.25

04/30/1992 The transfer of artwork onto fabric which will later be sold at retail by a silkscreening process constitutes manufacturing. Items which would be exempt under the Machinery and Equipment exemption would include the wooden frames which contain the silk and the screen, quartz light bulbs which burn out the negative onto the screen, and platen used in the machines which transfer the image from the screens onto the fabric. Supplies, such as exacto knives, receivers and other chemicals, photographic emulsion, blockout and masking tape, do not qualify for the exemption.

92-0229
\$1.50

05/10/1992 Under the SOT, only those replacement parts for qualifying manufacturing machinery which are specially fabricated by the serviceman are exempt; stock or standard parts purchased by a registered serviceman for use in repairing exempt machinery are taxable. However, if a serviceman is de minimus, he may be exempt from tax on standard parts. This results because the de minimus serviceman fulfills his tax obligations by paying Use Tax to his supplier, and the Use Tax Act contains a provision exempting any replacement parts for qualifying manufacturing machinery from tax. The exemption, unlike the SOT exemption, is not conditioned upon those parts being specially fabricated. (This letter is also included under Service Occupation Tax.)

92-0240
\$1.25

05/18/1992 The manufacturing machinery and equipment exemption for stock or standard replacement parts does not apply to service repairs. Registered servicemen transferring stock or standard replacement parts to exempt machinery incur an SOT liability on those sales, unless the replacement parts are specially made for that machine. If the parts are not specially fabricated, the serviceman can purchase them tax-free with a certificate of resale, but must collect Service Use Tax from his customer. If, however, the Serviceman is "de minimus," he satisfies his tax liability by paying Use Tax to his supplier. The Use Tax Act contains an exemption for all types of replacement parts for exempt machinery; therefore the "de minimus" serviceman can purchase stock parts for exempt machinery tax-free. The "de minimus" serviceman does not charge his service customer any tax.

92-0253
\$2.00

05/31/1992 Conveyors used in a slaughterhouse to transport packaged processed meat and offal products to a freezer, where they are chilled or quick frozen to maintain the product quality and prevent spoilage, qualify for the manufacturing machinery and

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equipment exemption. A dewater auger system which reduces the volume of manure by extracting moisture, and thereby reduces disposal costs by allowing fewer dumpsters to transport more waste to the landfill, does not constitute a "pollution control facility."

92-0256
\$1.25

06/02/1992 A scale used primarily to weigh scrap and iron as it comes off delivery trucks, or as it is taken out of storage for delivery, does not qualify for the Manufacturing Machinery and Equipment exemption. The scale performs functions which occur prior to production and after production has ceased. The exemption is limited to equipment which is used in an on-line production function.

92-0300
\$1.50

06/19/1992 Meat processing equipment used at a retail location, i.e., a supermarket, to prepare bulk meat into saleable pieces of meat for retail sale (by cutting, searing, shaping, mixing, and stuffing) does not qualify for the manufacturing machinery exemption. The retailers' preparation of meat for retail sale is not a process commonly regarded as manufacturing.

MEDICAL APPLIANCES

92-0185
\$1.00

04/06/1992 Sanitary napkins and tampons qualify for the low rate of tax. Products such as medicated sprays, powders, and douches must qualify as medicines under Sec. 130.310(c)(1) in order to be taxed at the low rate. That is, a medical claim must be made on the label.

92-0208
\$1.00

04/17/1992 The regulations pertaining to drugs and medical appliances are contained in Section 130.310.

92-0221
\$1.25

04/30/1992 Letter describes the rates applied to various drugs/medical items that are sold by a general variety store.

92-0222
\$1.25

04/30/1992 Portable vital sign monitors, portable vital sign recorders, and patient monitoring systems are not "medical appliances" because they do not substitute for a malfunctioning part of the human body. Rather, they are diagnostic/monitoring devices, which are specifically excluded from the definition of "medical appliances" in Section 130.310. Similarly, blood pressure and pulse monitors used by individuals in drug stores are only diagnostic equipment. Defibrillators used to jumpstart a human heart are not "medical appliances". While they restart a heartbeat, they do not replace the function of the heart, and are

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not corrective devices such as eyeglasses or hearing aids, which permanently correct a malfunctioning part of the human body.

92-0251
\$2.25

05/29/1992 Discusses whether various items qualify as medical appliances.

92-0289
\$1.25

06/12/1992 A portable computerized drug delivery system, which is comprised of a battery operated drug dispensing unit that is programmed to deliver drugs at various doses and times, is not a medical appliance and is therefore taxed at the high rate. Similarly, an implanted drug delivery system, comprised of an implantable metal and silicone portal device to which is attached a catheter inserted into a vein, used to administer highly vesicant drugs, is not a medical appliance, and so is taxed at the high rate. Neither system substitutes for a malfunctioning part of the body, or corrects a malfunctioning part of the body in the way that glasses or hearing aids do.

92-0299
\$1.00

06/19/1992 Thermometers, blood pressure kits, pregnancy testers, Ace bandages, support hosiery and rubber gloves do not qualify for exemption as medical appliances.

92-0302
\$1.00

06/22/1992 In order to qualify as a medical appliance, an item must directly substitute for a malfunctioning part of the body. Diagnostic equipment, adult diapers, syringes (other than for administering insulin), surgical instruments, and monitoring equipment are examples of items that do not directly substitute for a malfunctioning part of the body.

92-0310
\$1.00

06/23/1992 An item that directly substitutes for a malfunctioning part of the body will qualify as a medical appliance and is taxable at the low rate of tax (1% plus local applicable taxes). Any items that do not qualify as a medicine or medical appliance are taxable at the high rate (6.25% plus applicable local taxes).

MISCELLANEOUS

92-0184
\$2.00

04/06/1992 Tire Tax, effective July 1, 1992: This letter answers various questions regarding who the tire fee is imposed upon, how it is collected and reported, various exemptions under the fee system, and the type of tire that is taxable.

92-0191
\$1.25

04/08/1992 This letter responds to a series of questions concerning documenting the exemptions for sales for resale and sales to exempt purchasers.

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- 92-0219 \$1.00 04/30/1992 Interest in the Department's on-going project attempting to identify tax evasion and compliance in the rolling stock area.
- 92-0259 \$1.25 06/04/1992 A radon testing service which results in no tangible personal property being transferred to the service customer, results in no Illinois sales tax liability.
- 92-0273 \$1.50 06/05/1992 This letter contains general information about the Manufacturing Machinery and Equipment Exemption, the Interstate Commerce Exemption and sales for resale.

MOTOR FUEL TAX

- 92-0288 \$1.00 06/11/1992 A taxpayer using motor fuel in an off-highway capacity can apply to the Department for a refund of the taxes paid on the fuel that was used off-highway. This is done in accordance with regulations found in Section 500.160 and 500.180.
- 92-0297 \$1.25 06/18/1992 Section 2a of the Motor Fuel Tax Act requires that the Underground Storage Tank Tax be paid by the receiver in Illinois who first sells or uses fuel. In the case of a sale, the tax must be stated as a separate item on the invoice.
- 92-0298 \$1.00 06/18/1992 There is a claim procedure to recover Motor Fuel Tax related to off-road usage of motor fuel. However, it does not extend to fuel consumed while idling on public highways.

NEWSPRINT & INK EXEMPTION

- 92-0323 \$1.50 06/29/1992 This letter answers general questions regarding the taxability of books, magazines, newspapers, freight charges, software and custom and stock printed matter.

NEXUS

- 92-0192 \$1.25 04/08/1992 Out of state retailers must determine their Illinois sales tax liability, if any, based upon their contacts with state.
- 92-0245 \$1.25 05/20/1992 Out of state retailers must determine their tax liability, if any, based upon their contacts with state.

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- 92-0303 \$1.50 06/22/1992 An "Illinois Retailer" is one who either accepts purchase orders in the State of Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. The Illinois retailer is then liable for Retailers' Occupation Tax on gross receipts of sales and must collect the corresponding Use Tax incurred by purchasers.

OCCASIONAL SALES

- 92-0227 \$1.25 05/07/1992 A railroad selling used ballast stone that is produced when it rips up its old track is not an occasional seller of that stone when it also owns a quarry and engages in the sale of stone. An occasional sale occurs only when a person not engaged in the business of selling like kind property sells off its capital assets.

POLLUTION CONTROL FACILITIES

- 92-0203 \$1.25 04/16/1992 A lessor of a vacuum-type street sweeper used by a lessee steel company primarily to reduce or eliminate air pollution can obtain an exemption from the Retailers' Occupation Tax based upon the use of that sweeper as a "pollution control facility" under Section 130.335. The lessor must provide his supplier with the certification described in Section 130.335(a) in order to document the exemption.
- 92-0210 \$1.00 04/20/1992 Reusable portable containment structures made out of flexible vinyl-like material with walls which are used to capture the overspill of agricultural/lawn chemicals as they are being loaded or unloaded can qualify as pollution control facilities. Purchaser should provide seller with certification that the item is being purchased primarily for use as pollution control facility.
- 92-0241 \$1.00 05/18/1992 Machine which condenses wood and brush does not qualify for pollution control exemption inasmuch as it does not treat "pollutants". Such a machine would also be excluded from the manufacturing machinery and equipment exemption.
- 92-0283 \$1.00 06/10/1992 Pollution Control Facility means any system, method or construction having as its primary purpose the reduction or prevention of air and water pollution or a facility that is used for the purpose of treating, pre-treating or disposing of any potential solid, liquid or gaseous pollutant which would otherwise

be harmful to the environment. However, this exemption would not extend to a system that is primarily for the convenience or economic benefit of the user.

06/22/1992 Refrigerant gas extractor units and refrigerant recycling units which prevent the release of refrigerant gases into the atmosphere can qualify for the exemption applicable to pollution control facilities.

06/30/1992 The primary purpose of pollution control facilities must be to eliminate, prevent, or reduce air and water pollution or to treat, pretreat, modify or dispose of the pollutant. If the primary purpose of the equipment is to confer an economic benefit on the user, it will not qualify for the exemption.

92-0306
\$1.00

92-0334
\$1.00

04/01/1992 A wholesaler selling its products through independent local distributors may enter into an agency agreement with the Department, whereby it will register, file returns and remit the Retailers' Occupation Tax based upon the price (and appropriate tax thereto) that will be paid to the distributor by the ultimate consumer. (See, 86 Ill. Adm. Code 130.550.) By so doing, the distributors need not register, file returns and remit taxes. On other hand, a wholesaler could simply register and (if not all its sales were non-taxable), maintain Certificates of Resale from its distributors.

04/08/1992 A division of a corporate entity is not required to file a separate sales tax or liquor tax return; however, it may file a separate return if it wishes.

PRODUCTS OF PHOTOPROCESSING

06/29/1992 In transactions in which products of photoprocessing are sold in conjunction with other services, if a charge for the photoprocessing component is not separately stated, the tax is imposed on 50% of the entire selling price, unless the sale is made by a professional photographer, in which case the tax is imposed on 10% of the entire selling price. Sales of frames, undeveloped film, cameras, charms and folders are fully taxable. When a film development lab develops film for customers, 100% of the bill is taxable.

92-0322
\$1.25

ROLLING STOCK

05/13/1992 Items that go into rolling stock can qualify for the rolling stock exemption if they become a permanent, physical part of the rolling stock. Chemical fuel additives and oil sample test kits do not meet these criteria and so do not qualify for the exemption.

06/19/1992 The rolling stock exemption does not apply to purchases of motor fuel.

REPLACEMENT VEHICLE TAX

06/30/1992 The Replacement Vehicle Tax does not apply when an insurance company makes a check out to the insured for the value of the totaled car and the insured then purchases a new vehicle. The Replacement Vehicle Tax only applies when the insurance company, itself, or its agent, purchases a replacement vehicle for the insured.

92-0328
\$1.25

SALE AT RETAIL

04/17/1992 Under Illinois Administrative Code Sec. 130.1995, personalized pencils, pens, notebooks, diaries, books of general utility for the recording of information, calendars and other similar items have commercial value and are subject to the Retailers' Occupation Tax.

REQUEST FOR INFORMATION

06/15/1992 Response is to an annual questionnaire.

92-0246
\$1.00

05/21/1992 The sale of coupon books is not subject to Illinois sales tax. Coupons represent an intangible right to purchase merchandise at some future time. They are not subject to Illinois sales tax. However, vendors who accept such coupons will incur Retailers' Occupation Tax liability on their gross receipts from their sales involving the redemption of coupons. If a vendor is reimbursed in full or in part, for the value of the coupon, the

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reimbursement amount will also be subject to sales tax. (See Illinois Administrative Code. Sec 130.2125(b)(2), enclosed.)

92-0255
\$1.25

05/31/1992 According to 86 Ill. Adm. Code 130.2015, when a retailer sells accessories with or without installation, he incurs a Retailers' Occupation Tax liability. Examples of accessories include radios, car phones and radar detectors even though the items is permanently installed.

92-0279
\$1.00

06/09/1992 In order to document a sale to an exempt organization, a retailer must maintain in his records a copy of a valid exemption number issued to the exempt organization.

SALE FOR RESALE

92-0200
\$1.00

04/15/1992 The sale of isopropyl alcohol, which is used in printing and which subsequently evaporates away, does not constitute a sale for resale. Only sales of items which are physically incorporated into a product which is later sold at retail qualify as sales for resale. See Section 130.210.

92-0209
\$1.50

04/17/1992 This letter sets out the application of the Illinois sales tax laws to the "drop shipment" situation.

92-0248
\$1.00

05/21/1992 Where a taxpayer qualifies for an Illinois Resale Number, he will be able to purchase materials free from tax and will not need to fulfill monthly filing requirements unless he begins to make taxable sales.

92-0272
\$1.50

06/05/1992 This letter describes the documentation necessary to establish a sale for resale where the purchaser is an out-of-State retailer.

92-0304
\$1.25

06/22/1992 This letter discusses the documentation necessary to establish the Sale for Resale Exemption in a drop-shipment situation.

92-0314
\$1.25

06/24/1992 Sales for resale must be documented by proper Certificates of Resale. If not, a supplier is correct in assessing tax on the sale.

92-0317
\$1.00

06/25/1992 Illinois does not print or supply Certificates of Resale. However, any document containing the information set out at 86 Ill. Adm. Code 130.1405 will be sufficient to document a sale for resale in this State.

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92-0319
\$1.00

06/25/1992 It is recommended that suppliers update Blanket Certificates of Exemption at least every three years. However, it may be beneficial for a supplier to update records more frequently so that all information is current for audit purposes.

SALE OF SERVICE

92-0190
\$1.50

04/08/1992 This letter sets out the Retailers' Occupation Tax and Service Occupation Tax liability as they relate to a secondary serviceman in a multi-service situation.

92-0211
\$1.25

04/21/1992 Under the Service Occupation Tax Act, a tax liability is incurred on the transfer of tangible personal property incident to a sale of service.

92-0233
\$2.25

05/13/1992 This letter sets out the application of the SOTA to various service occupations involving contract management services, mailing services, fax services, printing services, messenger services and copy services.

92-0242
\$1.50

05/19/1992 The purchase of a maintenance agreement alone is not a purchase of tangible personal property subject to Retailers' Occupation Tax or Service Occupation Tax. Please refer to 86 Ill. Adm. Code 140.305(b)(3) regarding maintenance agreements under the Service Occupation Tax.

92-0247
\$1.25

05/21/1992 If a maintenance agreement is purchased separately from the equipment, charges for the contract (single payment or monthly) are not subject to tax. Performance under the agreement is then considered a sale of service.

92-0249
\$1.50

05/21/1992 As a general proposition, in Illinois only the transfer of tangible personal property is taxable under Illinois sales tax laws. However, labor charges must be included in the sales tax base in the following situations: a retail sale of tangible personal property in which labor charges are included in the selling price of the property, and; a transfer of tangible personal property incident to the sale of service.

92-0260
\$1.00

06/04/1992 Servicemen making repairs under the provisions of maintenance agreements, pay tax to their suppliers on the cost price of repair and replacement parts. See, 86 Ill. Adm. Code 140.301(b)(3).

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- 92-0263 \$1.25 06/05/1992 This letter describes the Service Use Tax collection obligations of an out-of-State special order print broker.
- 92-0264 \$1.25 06/05/1992 This letter describes the application of the Service Occupation Tax Act to reconditioning services.
- 92-0266 \$1.25 06/05/1992 This letter describes the application of the Service Occupation Tax Act to quick-lube service activities.
- 92-0276 \$1.00 06/09/1992 Gross receipts from the sales of maintenance agreements and extended warranties are not subject to Illinois sales tax liability. However, serviceman performing repairs under the provisions of maintenance agreements or extended warranties incur a Use Tax liability based on their cost price of repair and replacement parts transferred in the course of service provided under the terms of the maintenance agreement or extended warranty.
- 92-0340 \$1.25 06/30/1992 This letter sets out the application of the Service Occupation Tax to maintenance agreements sold prior to 1/1/90 and subsequent to 1/1/90.

SERVICE OCCUPATION TAX

- 92-0229 \$1.50 05/10/1992 This letter explains the differential tax treatment between Illinois servicemen and out-of-State servicemen coming into Illinois to make repairs (the purchase orders of the latter are accepted outside Illinois) both pre-1989 and post 1990. (This letter is also included under Manufacturing Machinery and Equipment.)

- 92-0238 \$1.25 05/18/1992 Manufacturer's warranties are included in the selling price of the tangible personal property sold and are therefore taxed at the time the tpp is sold. No tax is due when repairs are subsequently made pursuant to a manufacturer's warranty. When a serviceman makes a repair pursuant to a manufacturer's warranty, there is no tax on the parts he uses to make this repair. When purchasing such parts, he should provide his supplier with a certification that he is purchasing parts for use in repairing tangible personal property pursuant to a manufacturer's warranty that was subject to tax at the time the tangible personal property being repaired was sold. On the other hand, extended warranties and maintenance agreements are not subject to tax at the time they are sold; instead, the serviceman making repairs under the provisions of an extended warranty or a maintenance agreement owes Use Tax on the cost price of the parts used to repair the item.

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SERVICE USE TAX

- 92-0254 \$1.25 05/31/1992 An Out-of-State Service Use Tax collector selling contact lenses or eyeglass lenses to Illinois servicemen must either obtain certificates of resale from those servicemen or collect Service Use Tax from them. The SUT for medical appliances is calculated at 1% of 50% of the entire Out-of-State serviceman's billing.

SIGNATURE

- 92-0335 \$1.00 06/30/1992 The use of optical scanners to maintain exemption certificates, by scanning the original and then destroying that original, is not permissible. Exemption certificates must contain the signature of the person providing the certificate to the seller. Without a signature, an auditor will disallow the exemption. Since scanners are unable to reproduce a handwritten signature, they will not be able to reproduce an exact copy of the certificate, and consequently, the exemption will be disallowed.

- 92-0336 \$1.00 06/30/1992 The use of optical scanners to maintain exemption certificates, by scanning the original and then destroying that original, is not permissible. Exemption certificates must contain the signature of the person providing the certificate to the seller. Without such a signature, an auditor will disallow the exemption. Since scanners are unable to reproduce a handwritten signature, they will not be able to reproduce an exact copy of the certificate, and consequently, the exemption will be disallowed.

TAX COLLECTION

- 92-0188 \$1.00 04/06/1992 The responsible individual identified at Question 12 of the NUC-1 does not act as a guarantor for payment of the corporation's tax liability. The responsible person incurs the penalty only if he/she willfully fails to file returns and/or pay taxes when due.

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TELECOMMUNICATIONS EXCISE TAX

04/01/1992 Gross receipts under the Telecommunications Excise Tax do not include charges for the use of computer time or automated data retrieval services. If, however, the retailer of such services also provides transmission services, the total charges (both for data retrieval and transmission) are taxable, unless the charges for both transmission and retrieval are disaggregated and separately identified on customers' billing statements and in the books and records of the retailer. If the retailer is a "retailer doing business in this State" pursuant to Section 5 of the Telecommunications Excise Tax, he is required to collect the tax and remit it to the State.

06/10/1992 A "private satellite service" does not constitute a "private line," as that term is defined in Section 2 of the Telecommunications Excise Tax Act, and cannot be apportioned. Tax is imposed upon the full charge for transmitting telecommunication by satellite.

06/16/1992 A public library is a retailer incurring the Telecommunication Excise Tax when it faxes library information to patrons for a service fee, or when it allows a non-profit group to use its telefax machine at cost. Gross receipts include the service fees and the reimbursement received from the non-profit group.

06/24/1992 A mobile satellite communications system, in which a trucking company at a dispatch center sends a message via phone lines to a satellite transmission center, which encodes the message and beams it up to a satellite, which then beams it to a receiver/transmitter in a truck, is a type of system which could be subject to the Telecommunications Excise Tax. If the trucking dispatch center is located in Illinois, it is subject to the TET because it receives and originates messages. The company providing the telecommunication service would be required to collect and remit the tax to the Department if it is a "retailer maintaining a place of business in this State" pursuant to Section 2 of the TET Act. Similarly, even though the neither the dispatch center or the transmission facility are located in Illinois, the retailer may still be required to collect the tax. In cases where the location of the person originating or terminating the messages cannot be ascertained (i.e., the trucks when they originate or terminate messages), the tax is triggered when there is an Illinois billing or service address. If there is evidence in the books and records of the retailer, however, that a call was

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actually originated or terminated outside this State, that call is not subject to the TET. Similarly, when another jurisdiction taxes a call that is also subject to the TET in Illinois, the Department will provide a credit against the TET liability, to the extent of the tax paid to the other state, but not exceeding the tax due on that call in Illinois.

TEMPORARY STORAGE

06/10/1992 When a transmission unit purchased outside the State of Illinois is brought into the State and stored, for a period of one to three years, with parts from that unit being removed and transported to another state as needed, the unit is available for the temporary storage exemption.

TRADE-INS

05/07/1992 A retailer may take an item in trade even though the item is not owned by the purchaser.

06/04/1992 A retailer sells computer equipment and takes a trade-in from a non-retailer (corporation X). The retailer subsequently leases that traded-in equipment. The retailer's ROT liability, assuming that the equipment is of equal value, is whatever other consideration is received for the sale. When the retailer subsequently leases that traded-in equipment, he will have no UT liability, because he obtained that equipment from a non-retailer. In other words, since a trade-in is like two sales occurring simultaneously, and since corporation X is not a retailer, that corporation's sale of computer equipment is an occasional sale. Under the Use Tax Act, if the sale of it for use is not taxable under the ROT, then it is not taxable under the UTA.

06/05/1992 A lessor owning a leased vehicle may use that vehicle as a trade-in on the purchase of a new lease vehicle and thereby reduce the tax base of the new vehicle.

06/30/1992 The value of the trade-in is first deducted from the selling price of tangible personal property; the resulting selling price is then taxed. It is an overcollection to tax the selling price of the property being sold, then deduct the value of the trade-in. Overcollections must either be remitted to the State or refunded to the customer.

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92-0311

\$1.00

06/23/1992

Persons who purchase tangible personal property tax -free from out-of-State vendors and then use that tangible personal property in Illinois, must self-assess and remit the Use Tax to the Department.

92-0325

\$1.00

06/30/1992

Illinois Use Tax is not incurred on the purchase of natural gas from an out-of-State supplier at an out-of-State wellhead.

92-0331

\$1.00

06/30/1992

Under Illinois Administrative Code Sec. 150.201(i), a retailer which maintains in this state any agent or other representative operating under the authority of the retailer, will be required to register with the State of Illinois as a Use Tax collector.

92-0195

\$1.75

04/10/1992

The temporary storage exemption requires that items be acquired outside Illinois and, after being temporarily stored here, that they be used entirely outside Illinois.

92-0196

\$1.75

04/03/1992

The temporary storage exemption requires that items be acquired outside Illinois and, after being temporarily stored here, that they be used entirely outside Illinois.

92-0197

\$1.75

04/07/1992

The temporary storage exemption requires that items be acquired outside Illinois and, after being stored here temporarily, that they be used entirely outside Illinois.

92-0204

\$1.25

04/16/1992

Equipment purchased from an Illinois vendor and received in Illinois by the purchaser is subject to Illinois Use Tax.

92-0206

\$1.75

04/17/1992

When a paging company gives its customers a phone at no charge except for installation, it makes a gift of that phone and owes Use Tax to its supplier on its cost price of the phones. However, when it sells those phones, even for a nominal fee, it makes sales subject to the Retailers' Occupation Tax. In this case, it may provide a certificate of resale to its customers when it purchases the phones.

92-0250

\$1.25

05/21/1992

The temporary storage exemption is limited to the temporary storage of materials acquired outside the State which will be stored here temporarily and then used solely outside of the State. When equipment will be stored here, used outside of the State and then returned to storage in the State, the temporary storage exemption does not apply. This type of storage is permanent, not temporary.

92-0271

\$1.25

06/05/1992

The Temporary Storage Exemption is available only where the property involved is acquired outside Illinois.

92-0275

\$1.25

06/01/1992

The sale of capital assets by a seller not in the business of making sale of like-kind property is a tax-exempt occasional sale under the provision of 86 Ill. Adm. Code 130.110.

100-100-100

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

Upon initial review, it has been determined that the following proposed rules promulgated by State agencies may impact small business:

PUBLIC AID, DEPARTMENT OF
Medical Payment; 89 Ill. Adm. Code 140
Published September 4, 1992, 16 Ill. Reg. 13397

PUBLIC HEALTH, DEPARTMENT OF
Hearing Aid Consumer Protection Code;
77 Ill. Adm. Code 682
Published September 4, 1992, 16 Ill. Reg. 13428

Persons wishing to obtain more information concerning the impact on small business may contact:

Linda Brand
Department of Commerce and Community Affairs
Office of Regulatory Assistance
620 East Adams Street/6th Floor
Springfield, IL 62701
(217) 524-1516

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 2, 1992 through September 8, 1992, and have been scheduled for review by the Committee at its October 13, 1992 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/16/92	Department of Insurance, Books and Records, Repeal of (50 Ill Adm Code 3201)	6/19/92 16 Ill Reg 9279	10/13/92
10/16/92	Department of Insurance, Changes in Officers and Directors of a Corporation Holding a License as a Premium Finance Company, Repeal of (50 Ill Adm Code 3203)	6/19/92 16 Ill Reg 9284	10/13/92
10/16/92	Department of Insurance, Filing of Rate Charts and Agreement Forms, Repeal of (50 Ill Adm Code 3202)	6/19/92 16 Ill Reg 9288	10/13/92
10/16/92	Department of Insurance, Financing Insurance Premiums Defined, Repeal of (50 Ill Adm Code 3205)	6/19/92 16 Ill Reg 9291	10/13/92
10/16/92	Department of Insurance, Reports of Indictments and Convictions, Repeal of (50 Ill Adm Code 3204)	6/19/92 16 Ill Reg 9294	10/13/92
10/19/92	Department of Central Management Services, Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 Ill Adm Code 5010)	6/26/92 16 Ill Reg 10127	10/13/92

PROCLAMATION

92-379

BETTY JEAN WILLIAMS DAY

Whereas, on September 27, 1948, Betty Jean Williams began her career at the Illinois Department of Public Health as a Clerk Typist I; and

Whereas, Betty Jean has worked her way through the ranks of the department to achieve her present position as Chief of the Division of Administration and Technical Support; and

Whereas, in 1989, Betty Jean earned the Illinois Department of Public Health Sustained Excellence Award and was named Boss of the Year by the Springfield Chamber of Commerce; and

Whereas, Betty Jean has been honored as a member of the Quarter Century Club for her more than 40 years of continuous service; and

Whereas, Betty Jean is recognized by her co-workers as a decision-maker and problem-solver;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 27, 1992, as BETTY JEAN WILLIAMS DAY in Illinois and extend best wishes to her as she begins her retirement years.

Issued by the Governor August 27, 1992.

Filed with the Secretary of State September 4, 1992.

92-380

CARTER-JONES FAMILY DAY

Whereas, Carter-Jones family members have traveled to various states to meet and discuss family history, acknowledge present accomplishments, and plan future successes; and

Whereas, the Carter-Jones family recognizes the importance of heritage and believes strong families are the cornerstone of a better world; and

Whereas, the Carter-Jones family has chosen the city of Chicago for the site of its 1992 Biennial Reunion;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1, 1992, as CARTER-JONES FAMILY DAY in Illinois.

Issued by the Governor August 27, 1992.

Filed with the Secretary of State September 4, 1992.

92-381

MEXICAN INDEPENDENCE WEEK

Whereas, the Sociedad Civica Mexicana de Illinois, Inc. is a not-for-profit organization that seeks to perpetuate the customs and traditions of Mexican culture and promote goodwill and understanding among all Illinois residents; and

Whereas, the Sociedad Civica Mexicana de Illinois, Inc. has established a fund to grant \$1,000 scholarships to five Hispanic

students; and

Whereas, the Sociedad Civica Mexicana de Illinois, Inc. has sponsored the Fiestas Patrias since 1969; and

Whereas, President Lic. Carlos Salinas de Gortari will send his official representative to crown the queen of Mexican festivities at the Banquete Azteca; and

Whereas, 1992 marks the 182nd anniversary of Mexico's independence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-15, 1992, as MEXICAN INDEPENDENCE WEEK in Illinois.

Issued by the Governor August 28, 1992.

Filed with the Secretary of State September 4, 1992.

92-382

TRAIL APPRECIATION MONTH

Whereas, an increasing number of Illinois citizens enjoy outdoor recreational pursuits such as hiking, jogging, bicycling, cross-country skiing, horseback riding, snowmobiling, and canoeing; and

Whereas, many citizens pursue these activities on designated trails within parks and greenways for safe and easy access into and through the Illinois landscape; and

Whereas, the Illinois Department of Conservation and local agencies have adapted and designated canal, railroad, and river canals that carry magic in their names--Hennepin, Illinois and Michigan, Illinois Prairie, Great Western, Des Plaines and Fox--for trail use; and

Whereas, Illinois has many opportunities for additional trails, particularly in converting railroad rights of way, for hiking, bicycling, and other trail uses in the varied landscape of this great state; and

Whereas, the Illinois General Assembly recognizes this potential and has appropriated park and conservation funds to the Illinois Department of Conservation, enabling the department and local agencies to pursue acquisition and development of trails and greenways, particularly bikeways; and

Whereas, the first National Rail-Trail Celebration, sponsored by the Rails-to-Trails Conservancy, is scheduled for October 3, 1992, and the first Annual Governor's Bike Ride is scheduled for October 11, 1992, on the Illinois Prairie Path in Du Page County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as TRAIL APPRECIATION MONTH in Illinois in recognition of the many and wonderfully diverse recreational trails in Illinois and the committed trail enthusiasts who strive to increase trail opportunities for the public.

Issued by the Governor September 1, 1992.

Filed with the Secretary of State September 4, 1992.

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8 Ill. Adm. Code 40 Livestock Auction Markets (P-3673; A-11793)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-1899) (P-1921; A-8349) (PP-11687) (PP-11963) (PP-12234)

2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-3893)
8 Ill. Adm. Code 235 Seed Arbitration (P-2969; A-8361)
8 Ill. Adm. Code 211 Soil Amendments (P-7955; A-13794)
8 Ill. Adm. Code 580 Specialty Farm Product Buyers Act (P-8671)
8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3231; A-8364)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-3680; A-11799)

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4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (P-2721; A-11426)

77 Ill. Adm. Code 2031 Award Criteria & Procedure (P-9149/91; AR-2455)
77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)
77 Ill. Adm. Code 2056 Driving Under the Influence Programs (P-4567)
77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)
77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-5104; A-11807)
77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2533)
77 Ill. Adm. Code 2080 Triplicate prescription Control Program (P-11367)

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2 Ill. Adm. Code 351 Freedom of Information (A-13229)

ATTORNEY GENERAL
4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283)

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38 Ill. Adm. Code 307 Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-5391; A-12416)
38 Ill. Adm. Code 354 Administration of Assets Obtained in Collection of a Debt (P-5395; A-12420)
4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (P-4125)
38 Ill. Adm. Code 310 Electronic Fund Transfers (P-10125) (E-10353; RC-12643)

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71 Ill. Adm. Code 110 Americans With Disabilities Act Grievance Procedure (P-3689; A-11432)
44 Ill. Adm. Code 950 Prequalification & Suspension of Contractors (P-3695; A-12424)
2 Ill. Adm. Code 1650 Rules of the Capital Development Board (A-13237)

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56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-5399; A-12436) (P-7543) (E-7716)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378)
4 Ill. Adm. Code 450 Americans With Disabilities Act Grievance Procedure (P-2292; A-8944)
80 Ill. Adm. Code 303 Conditions of Employment (P-327; A-8368)

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL
62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-2719; A-8345) (E-2897) (P-11363) (P-14335/91; A-11403) (E-11625)
4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (P-12799)

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89 Ill. Adm. Code 240 Community Care Program (E-17398/91; S-1744; W-2955; M-2943) (P-17007/91; PF-1744; M-2930; A-11731) (E-2630) (E-2901) (E-4069; RC-6898) (P-4087; C-5083) (P-12251; C-13662) (E-12615)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-3605)

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8 Ill. Adm. Code 1 Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Declaratory Rulings; Public Disclosure) (P-8631)
4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (P-5097; A-11744)
8 Ill. Adm. Code 30 Animal Control Act (P-3618; A-11751)
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-3624; A-11416)
8 Ill. Adm. Code 200 Commercial Feed Act (P-9169)
8 Ill. Adm. Code 85 Diseased Animals (P-3635; A-11756)
8 Ill. Adm. Code 305 Governor's Agricultural Heritage Award (P-7949; A-13788)
8 Ill. Adm. Code 55 Hatcheries, Poultry Flocks, & Produce Thereof (P-3646; A-11766)
8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-3653; A-11773)
8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-3661; A-11781)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF (CONT'D)

89 Ill. Adm. Code 1300 Day Care (P-5141/91; A-4819)
80 Ill. Adm. Code 304 General Provisions (P-334; RC-10499)
80 Ill. Adm. Code 302 Merit & Fitness (P-336; A-8375) (P-11390) (E-11645; O-13371)
44 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-10127)
80 Ill. Adm. Code 310 Pay Plan (E-711) (P-12051/91; A-3450) (PP-5068; RC-6899) (P-6521) (E-6888) (PP-7056) (E-8239) (P-342; A-8382) (P-13179) (P-13679) (E-13950) (P-14001) (E-14452)

44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-18013/91; A-4826)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-3235; A-11438)
44 Ill. Adm. Code 1 Standard Procurement (P-12808) (E-13118)
80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-12064/91; A-13801)
80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-12074/91; A-13811)
80 Ill. Adm. Code 2800 Travel (P-15199/91; A-4831) (P-7079; A-13823)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545)
89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963)
89 Ill. Adm. Code 305 Client Service Planning (P-5403) (A-12772)
89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553)
89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-13229/91; A-3924)
89 Ill. Adm. Code 407 Licensing Standards for Day Care Centers (P-14729/92; A-7597)
89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (E-14734/91; M-2269) (P-14734/91; A-7602)
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707) (E-11879)
89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-14764/91; A-8950)
89 Ill. Adm. Code 378 Multiple Licensure (PR-7561)
89 Ill. Adm. Code 335 Relative Home Placement (P-8415/91; A-7633) (P-12254)
89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982)
89 Ill. Adm. Code 337 Service Appeal Process (P-7999)
89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565) (P-11979)

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4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (P-7083)
14 Ill. Adm. Code 526 County Economic Development Project Area Property Tax Allocation Financing (P-6524)
56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-5124)
56 Ill. Adm. Code 2620 Employment & Training Assistance for Dislocated Workers (PR-12964/91; AR-6175)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-9787/91; A-89) (P-13691)
47 Ill. Adm. Code 140 Ill. Clean & Beautiful Program (PR-13241/91; AR-2120)
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47 Ill. Adm. Code 100 Low Income Home Energy Assistance Program (P-14337/91; A-3940)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-7120) (P-11865/91; A-13241)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391)

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47 Ill. Adm. Code 110 State Administration of the Federal Community Development Block Grant Program for Small Cities (P-7141)
56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-6905) (P-11894/91; A-13272)
56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-8081/91; A-1524) (P-11545/91; A-6796)

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4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (P-5133; A-12439)
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83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-14340/91; A-6177) (P-16535/91; A-6177) (P-7572)
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92 Ill. Adm. Code 305 Construction of Electric Power & Communication Lines (P-16538/91; A-6180)
92 Ill. Adm. Code 1309 Conversion of Contract to Common Authority (P-3238; A-11827)
83 Ill. Adm. Code 756 Dual Party Relay Service (P-14004) (E-14470)
92 Ill. Adm. Code 1440 Guidelines for the Assessment of Penalties (General Order 55 (MC)) (P-5139; A-13496)
83 Ill. Adm. Code 785 Joint Rules of the Ill. Commerce Commission, the Office of the State Fire Marshal, & the Ill. Emergency Management Agency: Fire Protection & Emergency Services for Telecommunications Facilities (P-17427/91; A-11009)

83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-6533)
83 Ill. Adm. Code 535 Least-Cost Planning for Natural Gas Utilities (P-6538)
83 Ill. Adm. Code 255 Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating Telecommunications, Sewer or Water Services (P-13703)
83 Ill. Adm. Code 770 Operator Service Providers (P-3242)
83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-9801/91; A-11023) (P-12810)

83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (General Order 195) (P-8269)
83 Ill. Adm. Code 44 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-11025/91; A-2535)

2 Ill. Adm. Code 1702 Qualifications of Hearing Examiners (A-11442)

83 Ill. Adm. Code 200 Rules of Practice (P-1936; W-7737)

83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-11899/91; A-2544)

83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-11905/91; A-2550)

83 Ill. Adm. Code 745 Tariff Findings (P-10513)

83 Ill. Adm. Code 757 Telephone Assistance Programs (P-6542)

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23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-12274) (P-18022/91; A-12445)

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4 Ill. Adm. Code 775 Americans With Disabilities Act Grievance Procedure (P-13710)

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17 III. Adm. Code 2520 Consignment of Licenses (P-2297; A-8479)

17 III. Adm. Code 2030 Designation of Restricted Waters in the State of Illinois (P-2302; A-8483)

17 III. Adm. Code 950 Dog Training on Department-Owned or -Managed Sites (P-5429; A-11034)

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17 III. Adm. Code 730 Dove Hunting (P-5143; A-11041)

17 III. Adm. Code 590 Duck, Goose & Coot Hunting (P-14157/91; A-570) (P-7189; A-12491)

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17 III. Adm. Code 890 Fish Removal With Chemicals (P-17811/91; A-5262)

17 III. Adm. Code 1530 Forest Products Transportation Act, The (P-2972; A-8489)

17 III. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-5436; A-11064)

17 III. Adm. Code 1010 III. List of Endangered & Threatened Fauna (P-13594/91; A-103)

17 III. Adm. Code 3010 III. Snowmobile Grant Program (P-14794/91; A-1806)

17 III. Adm. Code 620 Importation Permits for Living Wild Animals Not Covered by the Wildlife Code (P-12302)

17 III. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)

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17 III. Adm. Code 1538 Urban Forestry Grant Program (P-775; W-4555)

17 III. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-5482; A-11116)

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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
E = Emergency rule
F = Failure to Remedy
M = Modification
O = JCAR Objection
P = Proposed Rule
W = Withdrawal of

PF = Prohibited filing
PP = Peremptory rule
R = Refusal to Modify or Withdraw
RC = Statement of Recommendation
RQ = Request for Correction
S = Suspend rule

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1026.60	n	(P-13188) (P-13483)	1.420 r (P-8631)
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650.70	n	(P-3253; A-8503)	875.70	n	(P-8160)
675.10	n	(P-1779; A-8523)	875.80	n	(P-8160)
675.20	n	(P-1779; A-8523)	900.10	n	(P-9273)
675.30	n	(P-1779; A-8523)	900.20	n	(P-9273)
675.40	n	(P-1779; A-8523)	900.30	n	(P-9273)
675.50	n	(P-1779; A-8523)	900.40	n	(P-9273)
675.60	n	(P-1779; A-8523)	900.50	n	(P-9273)
675.70	n	(P-1779; A-8523)	900.60	n	(P-9273)
725.10	n	(P-3689; A-11432)	900.70	n	(P-9273)
725.20	n	(P-3689; A-11432)	925.100	n	(P-10534)
725.30	n	(P-3689; A-11432)	925.110	n	(P-10534)
725.40	n	(P-3689; A-11432)	925.120	n	(P-10534)
725.50	n	(P-3689; A-11432)	925.130	n	(P-10534)
725.60	n	(P-3689; A-11432)	925.140	n	(P-10534)
725.70	n	(P-3689; A-11432)	925.150	n	(P-10534)
750.10	n	(P-8338; A-14418)	925.160	n	(P-10534)
750.20	n	(P-8338; A-14418)	925.Ap.A	n	(P-10534)
750.30	n	(P-8338; A-14418)	950.10	n	(P-9216)
750.40	n	(P-8338; A-14418)	950.20	n	(P-9216)
750.50	n	(P-8338; A-14418)	950.30	n	(P-9216)
750.60	n	(P-8338; A-14418)	950.40	n	(P-9216)
750.70	n	(P-8338; A-14418)	950.50	n	(P-9216)
775.10	n	(P-13710)	950.60	n	(P-9216)
775.20	n	(P-13710)	950.70	n	(P-9216)
775.30	n	(P-13710)	975.10	n	(P-11709)
775.40	n	(P-13710)	975.20	n	(P-11709)
775.50	n	(P-13710)	975.30	n	(P-11709)
775.60	n	(P-13710)	975.40	n	(P-11709)
775.70	n	(P-13710)	975.50	n	(P-11709)
800.10	n	(P-11988)	975.60	n	(P-11709)
800.20	n	(P-11988)	975.70	n	(P-11709)
800.30	n	(P-11988)	1000.10	n	(P-12799)
800.40	n	(P-11988)	1000.20	n	(P-12799)
800.50	n	(P-11988)	1000.30	n	(P-12799)
800.60	n	(P-11988)	1000.40	n	(P-12799)
800.70	n	(P-11988)	1000.50	n	(P-12799)
800.80	n	(P-11988)	1000.60	n	(P-12799)
800.Ap.A	n	(P-11988)	1000.70	n	(P-12799)
850.10	n	(P-8026)	1025.10	n	(P-13188) (P-13483)

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TITLE 8 (CONT'D)			200.160	n	(P-9169)
105.90	n	(P-3680; A-11799)	200.170	n	(P-9169)
110.50	am	(P-3624)	200.200	n	(P-9169)
110.80	am	(P-3624)	200.210	n	(P-9169)
110.90	am	(P-3624)	200.220	n	(P-9169)
110.110	am	(P-3624)	211.10	n	(P-7955; A-13794)
110.120	am	(P-3624)	211.20	n	(P-7955; A-13794)
115.10	am	(P-3661; A-11781)	211.30	n	(P-7955; A-13794)
115.20	am	(P-3661; A-11781)	211.40	n	(P-7955; A-13794)
115.30	am	(P-3661; A-11781)	211.50	n	(P-7955; A-13794)
115.50	am	(P-3661; A-11781)	211.60	n	(P-7955; A-13794)
115.70	am	(P-3661; A-11781)	211.70	n	(P-7955; A-13794)
115.80	am	(P-3661; A-11781)	211.80	n	(P-7955; A-13794)
115.100	am	(P-3661; A-11781)	235.10	n	(P-2969; A-8361)
121.25	am	(P-8898; W-11972)	235.20	n	(P-2969; A-8361)
125.10	am	(P-1921; A-8349)	305.10	n	(P-7949; A-13788)
125.100	am	(PP-11963)	305.20	n	(P-7949; A-13788)
125.120	am	(P-1921; A-8349)	305.30	n	(P-7949; A-13788)
125.190	am	(PP-1899)	305.40	n	(P-7949; A-13788)
125.260	am	(P-1921; A-8349)	305.50	n	(P-7949; A-13788)
		(PP-11687)	305.60	n	(P-7949; A-13788)
125.270	am	(P-1921; A-8349)	305.70	n	(P-7949; A-13788)
		(PP-11963)	1400.147	am	(P-8297)
125.290	am	(P-1921; A-8349)	1400.149	am	(P-8297)
125.295	n	(P-1921; A-8349)			
125.380	am	(PP-1899) (PP-11687)			
125.390	am	(P-1921; A-8349;			
		PP-12234)			
200.10	r	(P-9169)	405.90	am	(P-2436; A-8232)
200.15	n	(P-9169)	409.20	am	(P-11005)
200.20	r	(P-9169)	415.60	n	(P-1263; A-7486)
200.25	n	(P-9169)	416.10	r	(P-12372)
200.30	r	(P-9169)	416.20	r	(P-12372)
200.35	n	(P-9169)	416.30	r	(P-12372)
200.40	r	(P-9169)	416.40	r	(P-12372)
200.45	n	(P-9169)	416.50	r	(P-12372)
200.50	r	(P-9169)	416.60	r	(P-12372)
200.55	n	(P-9169)	416.70	r	(P-12372)
200.60	r	(P-9169)	416.80	r	(P-12372)
200.65	n	(P-9169)	416.90	r	(P-12372)
200.70	r	(P-9169)	417.10	r	(P-12379)
200.75	n	(P-9169)	417.20	r	(P-12379)
200.85	n	(P-9169)	417.30	r	(P-12379)
200.90	r	(P-9169)	417.40	r	(P-12379)
200.95	n	(P-9169)	417.50	r	(P-12379)
200.100	r	(P-9169)	417.60	r	(P-12379)
200.110	r	(P-9169)	417.70	r	(P-12379)
200.120	n	(P-9169)	417.80	r	(P-12379)
200.130	n	(P-9169)	417.90	r	(P-12379)
200.140	n	(P-9169)	422.10	am	(P-6742; A-13069)
200.150	n	(P-9169)	422.70	am	(P-6742; A-13069)
			422.90	am	(P-6742; A-13069)
			422.100	am	(P-6742; A-13069)

TITLE 11 (CONT'D)			509.195	r	(P-6955)
422.110	am	(P-6742; A-13069)	509.200	am	(P-6955)
433.120	am	(P-11001)	509.210	am	(P-6955)
434.05	n	(P-10996)	509.220	am	(P-6955)
434.10	am	(P-10996)	509.230	am	(P-6955)
434.20	am	(P-10996)	509.240	r	(P-6955)
434.40	am	(P-10996)	509.250	r	(P-6955)
435.20	am	(P-6747; A-13073)	509.260	r	(P-6955)
436.05	n	(P-15655/91; A-4520)	509.265	r	(P-6955)
436.10	r	(P-15655/91; A-4520)	509.270	am	(P-6955)
436.20	am	(P-15655/91; A-4520)	1305.120	r	(P-2439)
436.30	r	(P-15655/91; A-4520)	1305.130	r	(P-2439)
436.40	r	(P-15655/91; A-4520)	1305.140	am	(P-2439)
436.50	r	(P-15655/91; A-4520)	1314.10	r	(P-2433; A-8229)
436.60	am	(P-15655/91; A-4520)	1318.180	n	(P-15388/91; A-7489)
436.70	am	(P-15655/91; A-4520)	1318.190	n	(P-15388/91; A-7489)
436.80	r	(P-15655/91; A-4520)	1424.100	r	(P-2444; A-11193)
436.90	r	(P-15655/91; A-4520)	1424.105	r	(P-2444)
436.100	am	(P-15655/91; A-4520)	1424.170	am	(P-12133)
436.110	am	(P-15655/91; A-4520)	1424.175	r	(P-2444)
436.120	r	(P-15655/91; A-4520)	1424.250	am	(P-1266; A-7493)
436.130	am	(P-15655/91; A-4520)	1705.10	n	(P-1779)
436.140	r	(P-15655/91; A-4520)	1705.20	n	(P-1779)
438.40	am	(P-12377)	1705.30	n	(P-1779)
440.40	am	(P-6755; A-13077)	1705.40	n	(P-1779)
440.50	am	(P-6755; A-13077)	1705.50	n	(P-1779)
440.60	am	(P-6755; A-13077)	1705.60	n	(P-1779)
440.120	am	(P-6755; A-13077)	1705.70	n	(P-1779)
440.160	n	(P-6755; A-13077)			
450.10	n	(P-2292)			
TITLE 14					
502.30	am	(P-6751; A-12774)	130.110	am	(P-14209/91; A-6000)
509.10	am	(P-6955)	170.10	am	(P-5247; A-11196)
509.20	am	(P-6955)	170.12	am	(P-5247; A-11196)
509.30	am	(P-6955)	170.13	am	(P-5247; A-11196)
509.40	am	(P-6955)	170.14	am	(P-5247; A-11196)
509.50	am	(P-6955)	170.17	am	(P-5247; A-11196)
509.60	am	(P-6955)	170.20	am	(P-5247; A-11196)
509.70	am	(P-6955)			(P-13784)
509.75	am	(P-6955)			
509.80	am	(P-6955)	170.30	n	(P-5247; A-11196)
509.90	am	(P-6955)	175.10	am	(P-7518/91; A-4058)
509.95	n	(P-6955)	520.900	am	(P-89)
509.100	am	(P-6955)	520.920	am	(P-13691)
509.110	am	(P-6955)	520.930	am	(P-89)
509.130	r	(P-6955)	520.1020	am	(P-13691)
509.140	am	(P-6955)	520.1030	am	(P-13691)
509.150	am	(P-6955)	520.1100	n	(P-89)
509.160	am	(P-6955)	520.1110	n	(P-89)
509.170	am	(P-6955)	520.1120	n	(P-89)
509.175	r	(P-6955)	520.1130	n	(P-89)
509.190	am	(P-6955)	520.1140	n	(P-89)

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TITLE 14 (CONT'D)			TITLE 17		
526.10	n	(P-6524)	110.4	n	(E-7934; C-8615)
526.20	n	(P-6524)			(P-8289)
526.30	n	(P-6524)	110.30	am	(P-8289)
526.40	n	(P-6524)	110.40	am	(P-8289)
526.50	n	(P-6524)	110.90	am	(P-8289)
526.60	n	(P-6524)	110.100	am	(P-8289)
526.70	n	(P-6524)	110.150	am	(P-8289)
526.80	n	(P-6524)	110.165	n	(P-8289)
526.90	n	(P-6524)	110.170	am	(P-8289)
550.20	am	(P-7090)	115.10	am	(P-18045/91; A-4835)
550.30	am	(P-7090)	115.30	am	(P-18045/91; A-4835)
550.35	am	(P-10249/91; A-3464)	115.40	am	(P-18045/91; A-4835)
550.40	am	(P-7090)	115.50	am	(P-18045/91; A-4835)
550.50	am	(P-7090)	130.30	am	(P-8275)
550.60	am	(P-7090)	130.40	am	(P-8275)
1220.100	n	(P-8747/91; A-10163)	130.50	am	(E-7925) (C-8614)
1220.110	n	(P-8747/91; A-10163)			(P-8275)
1220.120	n	(P-8747/91; A-10163)	130.70	am	(E-7925) (C-8614)
1220.130	n	(P-8747/91; A-10163)			(P-8275)
1220.140	n	(P-8747/91; A-10163)	130.120	am	(E-7925) (C-8614)
1220.150	n	(P-8747/91; A-10163)			(P-8275)
1220.160	n	(P-8747/91; A-10163)	130.130	am	(E-7925) (C-8614)
1220.200	n	(P-8747/91; A-10163)			(P-8275)
1220.210	n	(P-8747/91; A-10163)	130.135	am	(P-8275)
1220.220	n	(P-8747/91; A-10163)	150.10	am	(P-18055/91; A-4839)
1220.230	n	(P-8747/91; A-10163)	150.20	am	(P-18055/91; A-4839)
1220.240	n	(P-8747/91; A-10163)	150.30	am	(P-18055/91; A-4839)
1220.250	n	(P-8747/91; A-10163)	150.40	am	(P-18055/91; A-4839)
1220.300	n	(P-8747/91; A-10163)	220.60	am	(P-18050/91; A-7335)
1220.310	n	(P-8747/91; A-10163)	510.10	am	(P-5436; A-11064)
1220.320	n	(P-8747/91; A-10163)	525.30	am	(P-15647/91; A-1826)
1220.330	n	(P-8747/91; A-10163)	530.10	am	(P-7161; A-12470)
1220.400	n	(P-8747/91; A-10163)	530.20	am	(P-7161; A-12470)
1220.410	n	(P-8747/91; A-10163)	530.70	am	(P-7161; A-12470)
1220.500	n	(P-8747/91; A-10163)			(P-12280)
1220.510	n	(P-8747/91; A-10163)	530.80	am	(P-7161; A-12470)
1220.520	n	(P-8747/91; A-10163)			(P-12280)
1230.100	n	(P-9222)	530.90	am	(P-7161; A-12470)
1230.110	n	(P-9222)			(P-12280)
1230.200	n	(P-9222)	530.100	am	(P-7161; A-12470)
1230.210	n	(P-9222)			(P-12280)
1230.300	n	(P-9222)	530.105	am	(P-7161; A-12470)
1230.310	n	(P-9222)			(P-12280)
1230.400	n	(P-9222)	530.110	am	(P-7161; A-12470)
1230.500	n	(P-9222)			(P-12280)
1230.510	n	(P-9222)	530.115	n	(P-7161; A-12470)
1230.520	n	(P-9222)	530.120	am	(P-7161; A-12470)
1230.530	n	(P-9222)	550.20	am	(P-5454; A-11078)
1230.540	n	(P-9222)	550.30	am	(P-5454; A-11078)
			570.20	am	(P-5443; A-11069)

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TITLE 17 (CONT'D)					
570.30	am	(P-5443; A-11069)	710.21	n	(P-14833/91; A-1843)
570.40	am	(P-5443; A-11069)	710.30	am	(P-14833/91; A-1843)
590.10	am	(P-14157/91; A-570)	715.10	am	(P-5475; A-11101)
		(P-7189; A-12491)	715.20	am	(P-5475; A-11101)
590.20	am	(P-14157/91; A-570)	715.40	am	(P-5475; A-11101)
590.25	am	(P-7189; A-12491)	720.10	am	(P-5466; A-11093)
590.26	n	(P-7189; A-12491)	720.20	am	(P-5466; A-11093)
590.30	am	(P-7189; A-12491)	720.30	am	(P-5466; A-11093)
590.50	am	(P-7189; A-12491)			(P-8681)
590.60	am	(P-14157/91; A-570)	720.40	am	(P-5466; A-11093)
		(P-7189; A-12491)	730.20	am	(P-5143; A-11041)
620.10	n	(P-12302)	730.30	am	(P-5143; A-11041)
620.20	n	(P-12302)	740.10	am	(P-5540; A-11162)
620.30	n	(P-12302)	740.20	am	(P-5540; A-11162)
620.40	n	(P-12302)	810.35	am	(P-17817/91; A-5267)
620.50	n	(P-12302)	810.37	am	(P-17817/91; A-5267)
620.Ex.A	n	(P-12302)	810.45	am	(P-17817/91; A-5267)
650.10	am	(P-5501; A-11131)			(P-6571; A-12526)
650.20	am	(P-5501; A-11131)	810.60	am	(E6016)
650.21	am	(P-5501; A-11131)	810.70	am	(P-17817/91; A-5267)
650.22	am	(P-5501; A-11131)	810.90	am	(P-17817/91; A-5267)
650.23	am	(P-5501; A-11131)	830.60	am	(P-18327/91; A-5257)
650.40	am	(P-5501; A-11131)	830.70	am	(P-18327/91; A-5257)
650.50	am	(P-5501; A-11131)	830.90	am	(P-18327/91; A-5257)
660.10	am	(P-5525; A-11150)	850.10	am	(P-4616; A-11029)
660.20	am	(P-5525; A-11150)	850.20	am	(P-4616; A-11029)
660.21	am	(P-5525; A-11150)			(E-12626) (P-12818)
660.25	am	(P-5525; A-11150)	850.30	am	(P-4616; A-11029)
660.30	am	(P-5525; A-11150)	850.40	am	(E-12626) (P-12818)
660.40	am	(P-5525; A-11150)	850.50	am	(E-12626) (P-12818)
660.45	am	(P-5525; A-11150)	880.10	n	(P-13603/91; A-109)
660.50	am	(P-5525; A-11150)	880.20	n	(P-13603/91; A-109)
660.60	am	(P-5525; A-11150)	880.30	n	(P-13603/91; A-109)
670.10	am	(P-5482; A-11116)	880.40	n	(P-13603/91; A-109)
670.20	am	(P-5482; A-11116)	880.50	n	(P-13603/91; A-109)
670.30	am	(P-5482; A-11116)	890.10	n	(P-17811/91; A-5262)
670.40	am	(P-5482; A-11116)	890.20	n	(P-17811/91; A-5262)
670.50	am	(P-5482; A-11116)	890.30	n	(P-17811/91; A-5262)
670.60	am	(P-5482; A-11116)	890.40	n	(P-17811/91; A-5262)
680.10	am	(P-10138)	890.50	n	(P-17811/91; A-5262)
680.20	am	(P-10138)	950.20	am	(P-5429; A-11034)
680.60	am	(P-10138)	950.40	am	(P-5429; A-11034)
680.70	am	(P-10138)	960.30	am	(P-5433; A-11038)
680.80	am	(P-10138)	970.10	r	(P-2727; R-8497)
690.20	am	(P-5157; A-11087)	970.20	r	(P-2727; R-8497)
690.30	am	(P-5157; A-11087)	970.30	r	(P-2727; R-8497)
710.10	am	(P-14833/91; A-1843)	970.40	r	(P-2727; R-8497)
710.20	am	(P-14833/91; A-1843)	970.50	r	(P-2727; R-8497)

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TITLE 20 (CONT'D)			TITLE 23 (CONT'D)			TITLE 26				
1810.710	n	(P-469) (E-732)	n	(P-439; A-10181)	235.10	n	(P-439; A-10181)	2735.80	am	(P-4458; A-11296)
1810.720	n	(P-469) (E-732)		(RQ-12644)	1501.402	am	(RQ-12644)	2735.100	am	(P-4458; A-11296)
1810.730	n	(P-469) (E-732)	n	(P-439; A-10181)	1501.509	am	(P-439; A-10181)	2735.Ap.A	am	(P-4458; A-11296)
1810.800	n	(P-469) (E-732)		(RQ-12644)	1501.515	am	(RQ-12644)	2760.5	am	(P-4483; A-11321)
1810.900	n	(P-469) (E-732)	n	(P-439; A-10181)	1501.517	am	(P-439; A-10181)	2760.10	am	(P-4483; A-11321)
1810.910	n	(P-469) (E-732)		(RQ-12644)	1501.518	n	(RQ-12644)	2760.30	am	(P-4483; A-11321)
1810.1000	n	(P-469) (E-732)	n	(P-439; A-10181)	1501.601	am	(P-439; A-10181)	2760.40	am	(P-4483; A-11321)
1810.1010	n	(P-469) (E-732)		(RQ-12644)	2700.10	am	(RQ-12644)	2761.10	am	(P-4452; A-11290)
1810.1020	n	(P-469) (E-732)	n	(P-439; A-10181)	2700.20	am	(P-439; A-10181)	2761.20	am	(P-4452; A-11290)
1810.1100	n	(P-469) (E-732)		(RQ-12644)	2700.30	am	(RQ-12644)	2761.30	am	(P-4452; A-11290)
1810.1110	n	(P-469) (E-732)	n	(P-439; A-10181)	2700.40	am	(P-439; A-10181)	2762.10	am	(P-4475; A-11313)
				(RQ-12644)	2700.50	am	(RQ-12644)	2762.20	am	(P-4475; A-11313)
			n	(P-439; A-10181)	2700.55	am	(P-439; A-10181)	2762.30	am	(P-4475; A-11313)
				(RQ-12644)	2700.60	am	(RQ-12644)	2762.40	am	(P-4475; A-11313)
			n	(P-439; A-10181)	2700.70	am	(P-439; A-10181)	2763.10	n	(P-18129/91; A-7048)
				(RQ-12644)	2720.5	am	(RQ-12644)	2763.20	n	(P-18129/91; A-7048)
			n	(P-439; A-10181)	2720.6	am	(P-439; A-10181)	2763.30	n	(P-18129/91; A-7048)
				(RQ-12644)	2720.10	am	(RQ-12644)	2763.40	n	(P-18129/91; A-7048)
			n	(P-439; A-10181)	2720.20	am	(P-439; A-10181)	2763.50	n	(P-18129/91; A-7048)
				(RQ-12644)	2720.25	am	(RQ-12644)	2770.10	#	(P-4491; A-11329)
			n	(P-439; A-10181)	2720.30	am	(P-439; A-10181)	2770.20	n	(P-4491; A-11329)
				(RQ-12644)	2720.40	am	(RQ-12644)	2770.30	#	(P-4491; A-11329)
			n	(P-439; A-10181)	2720.50	am	(P-439; A-10181)	2770.30	am	(P-4491; A-11329)
				(RQ-12644)	2720.55	am	(RQ-12644)	2771.10	n	(P-18114/91; A-6873)
			n	(P-439; A-10181)	2720.60	am	(P-439; A-10181)	2771.20	n	(P-18114/91; A-6873)
				(RQ-12644)	2720.70	am	(RQ-12644)	2771.30	n	(P-18114/91; A-6873)
			n	(P-439; A-10181)	2720.80	am	(P-439; A-10181)	2771.Ap.A	n	(P-18114/91; A-6873)
			am	(P-5550; A-14196)	2720.90	am	(P-5550; A-14196)	2790.10	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.105	n	(P-14852/91; A-4496)	2790.20	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.120	am	(P-14852/91; A-4496)	2790.30	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.130	am	(P-14852/91; A-4496)	2790.40	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.200	am	(P-14852/91; A-4496)	2790.50	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.210	am	(P-14852/91; A-4496)	2790.60	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.210	am	(P-14852/91; A-4496)	2790.70	am	(P-4431; A-11269)
			n	(P-14852/91; A-4496)	2720.210	am	(P-14852/91; A-4496)	2790.80	am	(P-4431; A-11269)
			am	(P-18022/91; A-12445)	2730.5	am	(P-18022/91; A-12445)	2790.90	am	(P-4431; A-11269)
			r	(P-18022/91; A-12445)	2730.10	am	(P-18022/91; A-12445)	2790.100	am	(P-4431; A-11269)
			r	(P-18022/91; A-12445)	2730.10	am	(P-18022/91; A-12445)	2790.110	am	(P-4431; A-11269)
			r	(P-18022/91; A-12445)	2733.10	am	(P-18022/91; A-12445)	2790.120	am	(P-4431; A-11269)
			r	(P-18022/91; A-12445)	2733.20	am	(P-18022/91; A-12445)	2790.130	am	(P-4431; A-11269)
			n	(P-18022/91; A-12445)	2733.30	am	(P-18022/91; A-12445)	2790.140	am	(P-4431; A-11269)
			n	(P-18022/91; A-12445)	2733.30	am	(P-18022/91; A-12445)	2790.Ap.A	r	(P-4431; A-11269)
			r	(P-18022/91; A-12445)	2735.10	am	(P-18022/91; A-12445)	3030.50	am	(P-15968/91; A-10329)
			r	(P-18022/91; A-12445)	2735.20	am	(P-18022/91; A-12445)	3040.160	am	(P-7321; A-13084)
			n	(P-18022/91; A-12445)	2735.30	am	(P-18022/91; A-12445)			
			r	(P-18022/91; A-12445)	2735.40	am	(P-18022/91; A-12445)			
			n	(P-18022/91; A-12445)	2735.50	am	(P-18022/91; A-12445)			
			r	(P-18022/91; A-12445)	2735.60	am	(P-18022/91; A-12445)			
			am	(P-18022/91; A-12445)	2735.70	am	(P-18022/91; A-12445)			
			am	(P-18022/91; A-12445)	2735.70	am	(P-18022/91; A-12445)			
TITLE 23			TITLE 26			TITLE 26				
1.230	am	(P-8684)	n	(P-439; A-10181)	235.100	n	(P-439; A-10181)	100.30	r	(P-5939/91; A-6982)
1.240	am	(P-8684)		(RQ-12644)	2735.10	am	(RQ-12644)	125.425	am	(P-5943/91; A-6986)
1.420	am	(P-8684)	n	(P-439; A-10181)	2735.20	am	(P-439; A-10181)			
1.440	am	(P-8684)		(RQ-12644)	2735.30	am	(RQ-12644)			
1.720	am	(P-8684)	n	(P-439; A-10181)	2735.40	am	(P-439; A-10181)			
1.730	am	(P-8684)		(RQ-12644)	2735.50	am	(RQ-12644)			
1.735	am	(P-8684)	n	(P-439; A-10181)	2735.60	am	(P-439; A-10181)			
1.736	n	(P-8684)		(RQ-12644)	2735.70	am	(RQ-12644)			
25.120	am	(P-9234)	n	(P-439; A-10181)	2735.80	am	(P-439; A-10181)			
25.220	am	(P-9234)		(RQ-12644)	2735.90	am	(RQ-12644)			
120.10	am	(P-1452; A-10213)	n	(P-439; A-10181)	2735.100	am	(P-439; A-10181)			
120.30	am	(P-1452; A-10213)		(RQ-12644)	2735.110	am	(RQ-12644)			
120.40	am	(P-1452; A-10213)	n	(P-439; A-10181)	2735.120	am	(P-439; A-10181)			
120.50	am	(P-1452; A-10213)		(RQ-12644)	2735.130	am	(RQ-12644)			
120.60	am	(P-1452; A-10213)	n	(P-439; A-10181)	2735.140	am	(P-439; A-10181)			
120.90	am	(P-1452; A-10213)		(RQ-12644)	2735.150	am	(RQ-12644)			
130.10	am	(P-1439; A-9475)	n	(P-439; A-10181)	2735.160	am	(P-439; A-10181)			
130.20	am	(P-1439; A-9475)		(RQ-12644)	2735.170	am	(RQ-12644)			
130.30	am	(P-1439; A-9475)	n	(P-439; A-10181)	2735.180	am	(P-439; A-10181)			
130.40	am	(P-1439; A-9475)		(RQ-12644)	2735.190	am	(RQ-12644)			
130.45	n	(P-1439; A-9475)	n	(P-439; A-10181)	2735.200	am	(P-439; A-10181)			
130.50	am	(P-1439; A-9475)		(RQ-12644)	2735.210	am	(RQ-12644)			
202.10	am	(P-7231)	am	(P-18022/91; A-12445)	2735.220	am	(P-18022/91; A-12445)			
202.20	am	(P-7231)	r	(P-18022/91; A-12445)	2735.230	am	(P-18022/91; A-12445)			
202.30	am	(P-7231)	r	(P-18022/91; A-12445)	2735.240	am	(P-18022/91; A-12445)			
202.40	am	(P-7231)	r	(P-18022/91; A-12445)	2735.250	am	(P-18022/91; A-12445)			
202.44	n	(P-7231)	r	(P-18022/91; A-12445)	2735.260	am	(P-18022/91; A-12445)			
202.46	n	(P-7231)	n	(P-18022/91; A-12445)	2735.270	am	(P-18022/91; A-12445)			
202.50	am	(P-7231)	r	(P-18022/91; A-12445)	2735.280	am	(P-18022/91; A-12445)			
202.60	am	(P-7231)	r	(P-18022/91; A-12445)	2735.290	am	(P-18022/91; A-12445)			
226.605	am	(P-3724)	r	(P-18022/91; A-12445)	2735.300	am	(P-18022/91; A-12445)			
226.640	am	(P-3724)	r	(P-18022/91; A-12445)	2735.310	am	(P-18022/91; A-12445)			
228.15	n	(P-9253)	n	(P-18022/91; A-12445)	2735.320	am	(P-18022/91; A-12445)			
228.20	am	(P-9253)	n	(P-18022/91; A-12445)	2735.330	am	(P-18022/91; A-12445)			
228.25	n	(P-9253)	r	(P-18022/91; A-12445)	2735.340	am	(P-18022/91; A-12445)			
228.30	am	(P-9253)	r	(P-18022/91; A-12445)	2735.350	am	(P-18022/91; A-12445)			
228.50	am	(P-9253)	am	(P-18022/91; A-12445)	2735.360	am	(P-18022/91; A-12445)			

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205.20	am	n	(P-4163; A-11544)
205.30	am	n	(P-4163; A-11544)
205.40	am	n	(P-4163; A-11544)
700.1	n	n	(P-4163; A-11544)
700.5	n	n	(P-4163; A-11544)
700.10	n	n	(P-4163; A-11544)
700.15	n	n	(P-4163; A-11544)
700.20	n	n	(P-4163; A-11544)
700.25	n	n	(P-10387)
700.30	n	am	(P-10387)
700.35	n	am	(P-12659)
700.40	n	am	(P-12659)
700.45	n	am	(P-12659)
700.50	n	am	(P-12659)
700.55	n	am	(P-12659)
700.60	n	am	(P-12659)
700.65	n	am	(P-12659)
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101.101	am	am	(P-10387)
101.103	am	am	(P-10387)
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183.110	am	am	(P-12659)
183.115	am	am	(P-12659)
183.120	am	am	(P-12659)
183.125	am	am	(P-12659)
183.130	am	am	(P-12659)
183.131	n	n	(P-12659)
183.132	n	n	(P-12659)
183.133	n	n	(P-12659)
183.134	n	n	(P-12659)
183.135	am	am	(P-12659)
183.140	am	am	(P-12659)
183.145	am	am	(P-12659)
183.150	am	am	(P-12659)
183.160	am	am	(P-12659)
183.170	r	r	(P-12659)
183.210	am	am	(P-12659)
183.215	am	am	(P-12659)
183.220	am	am	(P-12659)

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210.20	n	(P-2003)
210.30	n	(P-2003)
210.40	n	(P-2003)
210.50	n	(P-2003)
210.60	n	(P-2003)
210.70	n	(P-2003)
331.110	am	(P-2984; A-11479)
331.120	am	(P-2984; A-11479)
331.130	am	(P-2984; A-11479)
331.200	am	(P-2984; A-11479)
331.Tb.A	r	(P-2984; A-11479)
331.Tb.B	r	(P-2984; A-11479)
331.Tb.C	r	(P-2984; A-11479)
331.Ap.A	am	(P-2984; A-11479)
331.Ap.B	am	(P-2984; A-11479)
331.Ap.C	am	(P-2984; A-11479)
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400.120	am	(P-2739; A-11531)
400.140	am	(P-2739; A-11531)
400.150	am	(P-2739; A-11531)
400.160	am	(P-2739; A-11531)
401.70	am	(P-1474; A-9115)
401.110	am	(P-1474; A-9115)
401.130	am	(P-1474; A-9115)
401.140	am	(P-1474; A-9115)
401.150	am	(P-1474; A-9115)
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401.Ap.B	am	(P-1474; A-9115)

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183.231	n	n	(P-12017; W-12792)
183.235	am	am	(P-12017; W-12792)
183.235	am	am	(P-12017; W-12792)
183.240	am	am	(P-12017; W-12792)
183.245	am	am	(P-12017; W-12792)
183.250	am	am	(P-12017; W-12792)
183.255	am	am	(P-12017; W-12792)
183.310	am	am	(P-12017; W-12792)
183.315	am	am	(P-12017; W-12792)
183.320	am	am	(P-12017; W-12792)
183.325	am	am	(P-12017; W-12792)
183.330	am	am	(P-12017; W-12792)
183.335	am	am	(P-12017; W-12792)
183.340	am	am	(P-12017; W-12792)
183.345	am	am	(P-12017; W-12792)
183.350	am	am	(P-12017; W-12792)
183.355	am	am	(P-12017; W-12792)
183.360	am	am	(P-12017; W-12792)
183.365	am	am	(P-12017; W-12792)
183.370	am	am	(P-12017; W-12792)
183.406	n	n	(P-12017; W-12792)
183.410	am	am	(P-12017; W-12792)
183.415	am	am	(P-12017; W-12792)

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218.103	am	(P-4693; A-13864)	307.2400	am	(P-17523/91; A-7377)
218.104	am	(P-6643; A-13564)	307.2401	am	(P-17523/91; A-7377)
218.106	am	(P-4693; A-13864)	307.2402	am	(P-17523/91; A-7377)
218.113	n	(P-6643; A-13564)	307.2403	am	(P-17523/91; A-7377)
218.113	am	(P-4184; A-13864)	307.2404	am	(P-17523/91; A-7377)
218.586	n	(P-4184; A-13864)	307.2405	am	(P-17523/91; A-7377)
219.104	am	(P-6676; A-13597)	307.2406	am	(P-17523/91; A-7377)
219.113	n	(P-6676; A-13597)	307.2407	am	(P-17523/91; A-7377)
219.583	am	(P-4200; A-13883)	307.2490	am	(P-17523/91; A-7377)
219.586	n	(P-4200; A-13883)	307.3100	am	(P-17523/91; A-7377)
240.102	am	(P-12109/91; A-6184)	307.3109	am	(P-17523/91; A-7377)
240.107	n	(P-12109/91; A-6184)	307.3115	am	(P-17523/91; A-7377)
240.122	am	(P-12109/91; A-6184)	307.3119	am	(P-17523/91; A-7377)
240.140	n	(P-12109/91; A-6184)	307.3120	am	(P-17523/91; A-7377)
240.141	n	(P-12109/91; A-6184)	307.3129	am	(P-17523/91; A-7377)
243.108	am	(P-16; A-8185)	309.103	am	(P-17471/91; A-7339)
243.120	n	(P-16; A-8185)	310.103	am	(P-17481/91; A-7346)
243.121	r	(P-22; A-8191)	310.105	am	(P-17481/91; A-7346)
244.106	am	(P-22; A-8191)	310.107	am	(P-17481/91; A-7346)
244.107	am	(P-22; A-8191)	310.110	am	(P-17481/91; A-7346)
244.121	am	(P-22; A-8191)	310.201	am	(P-17481/91; A-7346)
244.161	am	(P-22; A-8191)	310.202	am	(P-17481/91; A-7346)
244.162	am	(P-22; A-8191)	310.210	am	(P-17481/91; A-7346)
244.163	am	(P-22; A-8191)	310.220	am	(P-17481/91; A-7346)
244.166	am	(P-22; A-8191)	310.221	am	(P-17481/91; A-7346)
244.167	am	(P-22; A-8191)	310.222	am	(P-17481/91; A-7346)
244.168	am	(P-22; A-8191)	310.230	am	(P-17481/91; A-7346)
244.169	am	(P-22; A-8191)	310.232	am	(P-17481/91; A-7346)
244.Ap.D	am	(P-22; A-8191)	310.233	am	(P-17481/91; A-7346)
276.101	am	(P-13607; A-10230)	310.330	am	(P-17481/91; A-7346)
276.102	am	(P-13607; A-10230)	310.510	am	(P-17481/91; A-7346)
276.204	am	(P-13607; A-10230)	310.611	am	(P-17481/91; A-7346)
276.206	n	(P-13607; A-10230)	310.613	am	(P-17481/91; A-7346)
276.301	am	(P-13607; A-10230)	310.633	am	(P-17481/91; A-7346)
276.303	am	(P-13607; A-10230)	310.635	am	(P-17481/91; A-7346)
276.304	am	(P-13607; A-10230)	320.101	n	(P-12746)
276.307	am	(P-13607; A-10230)	320.102	n	(P-12746)
276.308	n	(P-13607; A-10230)	320.103	n	(P-12746)
276.310	am	(P-13607; A-10230)	320.104	n	(P-12746)
276.311	am	(P-13607; A-10230)	320.105	n	(P-12746)
276.401	am	(P-13607; A-10230)	320.201	n	(P-12746)
276.402	am	(P-13607; A-10230)	320.202	n	(P-12746)
276.701	am	(P-13607; A-10230)	320.203	n	(P-12746)
276.702	am	(P-13607; A-10230)	320.204	n	(P-12746)
276.703	am	(P-13607; A-10230)	320.302	n	(P-12746)
303.203	am	(P-17026/91; W-7511)	320.301	n	(P-12746)
		(P-7302)	360.601	am	(P-15202/91; A-5891)
		(P-17523/91; A-7377)	360.602	am	(P-15202/91; A-5891)
			365.103	am	(P-3745)
			365.104	am	(P-3745)

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611.645	am	(P-3745)	611.101	am	(P-5582)
611.646	n	(P-3745)	611.102	am	(P-5582)
611.647	#	(P-3745)	611.110	am	(P-5582)
611.647	am	(P-3745)	611.111	am	(P-5582)
611.648	#	(P-3745)	611.112	am	(P-5582)
611.648	n	(P-3745)	611.295	n	(P-5582)
611.650	r	(P-3745)	611.296	n	(P-5582)
611.657	r	(P-3745)	611.300	am	(P-5582)
611.658	n	(P-3745)	611.301	n	(P-5582)
611.851	am	(P-3745)	611.310	am	(P-5582)
611.Ap.A	am	(P-3745)	611.311	am	(P-5582)
615.101	n	(P-3745)	611.526	am	(P-5582)
		(P-3745)	611.591	#	(P-5582)
		(P-3745)	611.592	#	(P-5582)
		(P-3745)	611.600	n	(P-5582)
		(P-3745)	611.601	am	(P-5582)
		(P-3745)	611.602	#	(P-5582)
		(P-3745)	611.602	n	(P-5582)
		(P-3745)	611.603	#	(P-5582)
		(P-3745)	611.603	n	(P-5582)
		(P-3745)	611.604	n	(P-5582)
		(P-3745)	611.605	n	(P-5582)
		(P-3745)	611.606	am	(P-5582)
		(P-3745)	611.607	am	(P-5582)
		(P-3745)	611.608	n	(P-5582)
		(P-3745)	611.609	n	(P-5582)
		(P-3745)	611.610	#	(P-5582)
		(P-3745)	611.610	n	(P-5582)
		(P-3745)	611.611	n	(P-5582)
		(P-3745)	611.630	#	(P-5582)
		(P-3745)	611.631	n	(P-5582)
		(P-3745)	611.640	n	(P-5582)
		(P-3745)	611.641	am	(P-5582)

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TITLE 35 (CONT'D)					
615.603	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.102	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.604	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.104	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.621	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.105	n	(P-7295) (P-9836/91; O-17793/91; R-1723; A-1592)
615.622	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.201	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.623	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.202	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.624	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.203	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.701	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.204	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.702	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.205	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.703	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.206	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.704	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.207	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.705	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.208	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.721	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.209	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.722	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.210	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.723	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.211	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.724	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.301	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.101	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.302	n	(P-9836/91; O-17793/91; R-1723; A-1592)

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TITLE 35 (CONT'D)					
615.209	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.424	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.210	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.425	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.211	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.441	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.301	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.442	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.302	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.443	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.303	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.444	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.304	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.445	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.305	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.446	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.306	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.447	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.307	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.461	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.401	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.462	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.402	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.463	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.403	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.464	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.404	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.501	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.421	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.502	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.422	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.601	n	(P-10303/91; O-17791/91; R-1702; A-1538)
615.423	n	(P-10303/91;17791/91; R-1702; A-1538)	615.602	n	(P-10303/91; O-17791/91; R-1702; A-1538)

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TITLE 35 (CONT'D)		616.102	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.104	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.105	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.201	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.202	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.203	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.204	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.205	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.206	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.207	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.208	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.209	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.210	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.211	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.301	n	(P-10303/91; O-17791/91; R-1702; A-1538)
		616.302	n	(P-10303/91; O-17791/91; R-1702; A-1538)

TITLE 35 (CONT'D)		(P-1148; A-9858)	731.132	r	(P-2330; A-7407)
726.210	n	(P-1148; A-9858)	731.133	r	(P-2330; A-7407)
726.211	n	(P-1148; A-9858)	731.134	r	(P-2330; A-7407)
726.212	n	(P-1148; A-9858)	731.140	r	(P-2330; A-7407)
726.219	n	(P-1148; A-9858)	731.141	r	(P-2330; A-7407)
726.Ap.A	n	(P-1148; A-9858)	731.142	r	(P-2330; A-7407)
726.Ap.B	n	(P-1148; A-9858)	731.143	r	(P-2330; A-7407)
726.Ap.C	n	(P-1148; A-9858)	731.144	r	(P-2330; A-7407)
726.Ap.D	n	(P-1148; A-9858)	731.145	r	(P-2330; A-7407)
726.Ap.E	n	(P-1148; A-9858)	731.150	r	(P-2330; A-7407)
726.Ap.F	n	(P-1148; A-9858)	731.151	r	(P-2330; A-7407)
726.Ap.G	n	(P-1148; A-9858)	731.152	r	(P-2330; A-7407)
726.Ap.H	n	(P-1148; A-9858)	731.153	r	(P-2330; A-7407)
726.Ap.I	n	(P-1148; A-9858)	731.161	am	(P-2330; A-7407)
726.Ap.J	n	(P-1148; A-9858)	731.162	am	(P-2330; A-7407)
726.Ap.K	n	(P-1148; A-9858)	731.170	r	(P-2330; A-7407)
726.Ap.L	n	(P-1148; A-9858)	731.171	r	(P-2330; A-7407)
726.Tb.A	n	(P-1148; A-9858)	731.172	r	(P-2330; A-7407)
728.107	am	(P-916; A-9619)	731.173	r	(P-2330; A-7407)
728.109	am	(P-916; A-9619)	731.174	r	(P-2330; A-7407)
728.110	n	(P-916; A-9619)	731.190	r	(P-2330; A-7407)
728.111	n	(P-916; A-9619)	731.191	r	(P-2330; A-7407)
728.112	n	(P-916; A-9619)	731.192	r	(P-2330; A-7407)
728.113	n	(P-916; A-9619)	731.193	r	(P-2330; A-7407)
728.133	am	(P-916; A-9619)	731.194	r	(P-2330; A-7407)
728.135	am	(P-916; A-9619)	731.195	r	(P-2330; A-7407)
728.140	am	(P-916; A-9619)	731.196	r	(P-2330; A-7407)
728.141	am	(P-916; A-9619)	731.197	r	(P-2330; A-7407)
728.142	am	(P-916; A-9619)	731.198	r	(P-2330; A-7407)
728.144	am	(P-916; A-9619)	731.199	r	(P-2330; A-7407)
728.Ap.D	am	(P-916; A-9619)	731.200	r	(P-2330; A-7407)
728.Ap.E	am	(P-916; A-9619)	731.202	r	(P-2330; A-7407)
728.Ap.G	am	(P-916; A-9619)	731.203	r	(P-2330; A-7407)
728.Ap.H	am	(P-916; A-9619)	731.204	r	(P-2330; A-7407)
728.Ap.I	n	(P-916; A-9619)	731.205	r	(P-2330; A-7407)
728.Tb.A	am	(P-916; A-9619)	731.206	r	(P-2330; A-7407)
728.Tb.B	am	(P-916; A-9619)	731.207	r	(P-2330; A-7407)
728.Tb.C	am	(P-916; A-9619)	731.208	r	(P-2330; A-7407)
728.Tb.D	am	(P-916; A-9619)	731.209	r	(P-2330; A-7407)
728.Tb.E	am	(P-916; A-9619)	731.210	r	(P-2330; A-7407)
728.Tb.H	n	(P-916; A-9619)	731.211	r	(P-2330; A-7407)
731.110	am	(P-2330; A-7407)	731.Ap.A	am	(P-2330; A-7407)
731.111	r	(P-2330; A-7407)	731.Ap.C	n	(P-2330; A-7407)
731.112	am	(P-2330; A-7407)	809.901	r	(P-13017/91; A-130)
731.113	am	(P-2330; A-7407)	809.902	r	(P-13017/91; A-130)
731.114	r	(P-2330; A-7407)	809.903	r	(P-13017/91; A-130)
731.120	r	(P-2330; A-7407)	809.904	r	(P-13017/91; A-130)
731.121	r	(P-2330; A-7407)	809.905	r	(P-13017/91; A-130)
731.122	am	(P-2330; A-7407)	809.906	r	(P-13017/91; A-130)
731.130	r	(P-2330; A-7407)	848.101	am	(P-13004/91; A-3114)
731.131	r	(P-2330; A-7407)	848.102	am	(P-13004/91; A-3114)

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TITLE 38 (CONT'D)			TITLE 41 (CONT'D)		
200.418	n	(P-7250; A-12879)	102.35	n	(P-17442/91; A-11172)
200.420	n	(P-7250; A-12879)	102.40	n	(P-17442/91; A-11172)
200.422	n	(P-7250; A-12879)	102.45	n	(P-17442/91; A-11172)
200.424	n	(P-7250; A-12879)	102.50	n	(P-17442/91; A-11172)
200.426	n	(P-7250; A-12879)	102.55	n	(P-17442/91; A-11172)
200.428	n	(P-7250; A-12879)	102.60	n	(P-17442/91; A-11172)
200.430	n	(P-7250; A-12879)	102.65	n	(P-17442/91; A-11172)
200.432	n	(P-7250; A-12879)	120.10	am	(P-15823/91; A-6808)
200.434	n	(P-7250; A-12879)	120.900	am	(P-15823/91; A-6808)
200.436	n	(P-7250; A-12879)	120.1000	am	(P-15823/91; A-6808)
200.438	n	(P-7250; A-12879)	120.1010	n	(P-15823/91; A-6808)
200.440	n	(P-7250; A-12879)	120.1020	n	(P-15823/91; A-6808)
200.442	n	(P-7250; A-12879)	120.1030	n	(P-15823/91; A-6808)
200.444	n	(P-7250; A-12879)	120.1040	n	(P-15823/91; A-6808)
200.446	n	(P-7250; A-12879)	120.1050	n	(P-15823/91; A-6808)
200.448	n	(P-7250; A-12879)	120.1100	am	(P-15823/91; A-6808)
200.450	n	(P-7250; A-12879)	120.1200	am	(P-15823/91; A-6808)
200.452	n	(P-7250; A-12879)	120.1280	am	(P-15823/91; A-6808)
307.10	n	(P-5391; A-12416)	120.1400	am	(P-15823/91; A-6808)
307.20	n	(P-5391; A-12416)	120.1401	am	(P-15823/91; A-6808)
310.710	r	(P-10125) (E-10353) RC-12643)	120.1402	am	(P-14017)
354.10	n	(P-5395; A-12420)	140.18	n	(P-14017)
354.20	n	(P-5395; A-12420)	140.40	am	(P-14017)
400.130	am	(P-14394/91; A-4881)	140.50	am	(P-14017)
400.141	am	(P-14394/91; A-4881)	140.55	am	(P-14017)
400.142	am	(P-14394/91; A-4881)	140.60	am	(P-14017)
450.250	am	(P-12406) (E-12634)	140.65	am	(P-14017)
450.255	n	(P-12406) (E-12634)	140.70	am	(P-14017)
450.290	am	(P-12406) (E-12634)	140.80	am	(P-14017)
450.440	am	(P-2763; A-10463)	140.90	am	(P-14017)
450.1010	am	(E-2915)	140.130	am	(P-14017)
450.1250	am	(P-2763; A-10463)	140.140	am	(P-14017)
450.1335	am	(E-2915)	140.150	am	(P-14017)
450.1340	am	(P-2763; A-10463)	140.160	am	(P-14017)
1075.120	am	(E-2915)	140.171	am	(P-14017)
			140.180	am	(P-14017)
			140.185	am	(P-14017)
			140.220	am	(P-14017)
			140.230	am	(P-14017)
			140.232	n#	(P-14017)
			140.234	n#	(P-14017)
			140.236	n#	(P-14017)
			140.240	n	(P-14017)
			140.305	am	(P-14017)
			140.310	am	(P-14017)
			140.390	am	(P-14017)
			140.400	am	(P-14017)
			140.420	n	(P-14017)
			170.800	n	(P-10875/91; A-4845)
			170.810	n	(P-10875/91; A-4845)
			170.820	n	(P-10875/91; A-4845)

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TITLE 44			TITLE 47		
1.100	am	(P-12808) (E-13118)	100.10	am	(P-14337/91; A-3940)
1.350	am	(P-12808) (E-13118)	100.20	am	(P-14337/91; A-3940)
1.515	n	(P-12808) (E-13118)	100.30	am	(P-14337/91; A-3940)
1.530	am	(P-12808) (E-13118)	100.40	am	(P-14337/91; A-3940)
1.610	am	(P-12808) (E-13118)	100.50	am	(P-14337/91; A-3940)
1.620	am	(P-12808) (E-13118)	100.85	am	(P-14337/91; A-3940)
1.630	am	(P-12808) (E-13118)	100.103	am	(P-14337/91; A-3940)
950.110	r	(P-3695; A-12424)	100.105	am	(P-14337/91; A-3940)
950.120	r	(P-3695; A-12424)	100.106	r	(P-14337/91; A-3940)
950.130	r	(P-3695; A-12424)	100.110	am	(P-14337/91; A-3940)
950.140	r	(P-3695; A-12424)	100.111	r	(P-14337/91; A-3940)
950.150	r	(P-3695; A-12424)	100.113	am	(P-14337/91; A-3940)
950.160	r	(P-3695; A-12424)	100.115	am	(P-14337/91; A-3940)
950.170	r	(P-3695; A-12424)	100.120	am	(P-14337/91; A-3940)
950.180	r	(P-3695; A-12424)	100.120	am	(P-14337/91; A-3940)

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TITLE 50 (CONT'D)								
2008.73	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.B	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)		(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.73	am	(P-8768)	2008.Ap.C	#			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.74	n	(P-14859/91; PF-1743; W-2956; A-2766)	2008.Ap.C	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.75	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.C	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.75	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.C	am			(P-8768)	
2008.75	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.D	r			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.80	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.D	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.81	r	(P-8768)	2008.Ap.D	am			(P-8768)	
2008.81	n	(P-14859/91; PF-1743; W-2956; A-2766)	2008.Ap.E	#			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.81	am	(P-8768)	2008.Ap.E	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.82	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.E	am			(P-8768)	
2008.90	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.F	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.100	am	(P-8768)	2008.Ap.F	am			(P-8768)	
2008.101	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.G	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.102	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.G	am			(P-8768)	
2008.103	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.H	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.104	am	(P-8768)	2008.Ap.I	am			(P-8768)	
2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.J	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.K	am			(P-8768)	
2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.K	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	
2008.Ap.A	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.L	am			(P-8768)	
2008.Ap.A	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.L	n			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	

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2008.Ap.L am	(P-8768)	3203.20 r (P-9284)
2008.Ap.M #	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3204.10 r (P-9294)
		3205.10 r (P-9291)
		3205.20 r (P-9291)
		3205.30 r (P-9291)
2008.Ap.M am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3205.40 am (P-11055/91; A-126)
		3213.40 am (P-15244/91; A-5329)
		6701.Ex.A am (P-17013/91; A-5326)
TITLE 56		
2008.Ap.N r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	120.100 n (P-1997)
		120.110 n (P-1997)
2008.Ap.N n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	120.120 n (P-1997)
		120.130 n (P-1997)
		120.140 n (P-1997)
2008.Ap.O #	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	120.150 n (P-1997)
		120.160 n (P-1997)
		120.170 n (P-1997)
2008.Ap.O am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	250.105 am (P-15862/91; A-5335)
		250.110 r (P-15862/91; A-5335)
		250.115 r (P-15862/91; A-5335)
2008.Ap.P n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	250.120 r (P-15862/91; A-5335)
		250.125 r (P-15862/91; A-5335)
		250.130 r (P-15862/91; A-5335)
2013.10 am	(P-10375)	250.135 r (P-15862/91; A-5335)
2013.20 am	(P-10375)	250.140 r (P-15862/91; A-5335)
2013.30 am	(P-10375)	250.145 r (P-15862/91; A-5335)
2013.40 am	(P-10375)	250.150 r (P-15862/91; A-5335)
2013.50 am	(P-10375)	250.200 am (P-15862/91; A-5335)
2013.60 am	(P-10375)	250.300 am (P-15862/91; A-5335)
2013.70 am	(P-10375)	250.600 am (P-15862/91; A-5335)
2015.10 n	(P-6925)	250.700 am (P-15862/91; A-5335)
2015.20 n	(P-6925)	250.705 n (P-15862/91; A-5335)
2015.30 n	(P-6925)	250.710 n (P-15862/91; A-5335)
2015.40 n	(P-6925)	250.715 n (P-15862/91; A-5335)
2015.50 n	(P-6925)	250.805 am (P-15862/91; A-5335)
2015.60 n	(P-6925)	250.820 am (P-15862/91; A-5335)
2600.50 am	(P-7120)	250.825 am (P-15862/91; A-5335)
2720.2 n	(E-7506)	250.855 n (P-15862/91; A-5335)
2725.2 n	(E-7502)	250.860 n (P-15862/91; A-5335)
3201.10 r	(P-9274)	300.100 r (P-4626; C-6897; A-13828)
3201.20 r	(P-9274)	300.110 r (P-4626; C-6897; A-13828)
3201.30 r	(P-9274)	300.120 r (P-4626; C-6897; A-13828)
3201.50 r	(P-9274)	300.200 r (P-4626; C-6897; A-13828)
3201.60 r	(P-9274)	300.210 r (P-4626; C-6897; A-13828)
3201.70 r	(P-9274)	300.220 r (P-4626; C-6897; A-13828)
3202.10 r	(P-9288)	300.230 r (P-4626; C-6897; A-13828)
3202.20 r	(P-9288)	300.240 r (P-4626; C-6897; A-13828)
3202.30 r	(P-9288)	300.250 r (P-4626; C-6897; A-13828)
3203.10 r	(P-9284)	300.260 r (P-4626; C-6897; A-13828)

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2765.228	n	(P-11034/91; A-12165)	(E-1693)
2765.230	n	(P-11034/91; A-12165)	(P-1490; A-8529)
2765.325	am	(P-11034/91; A-12165)	(E-1693)
2765.328	n	(P-11034/91; A-12165)	(P-5399; A-12436)
2770.110	am	(P-13257/91; A-118)	(P-7543) (E-7716)
5300.10	am	(P-10521/91; A-7838)	
5300.20	am	(P-10521/91; A-7838)	
5300.30	am	(P-10521/91; A-7838)	
5300.40	am	(P-10521/91; A-7838)	
5300.210	am	(P-10521/91; A-7838)	
5300.310	am	(P-10521/91; A-7838)	
5300.450	am	(P-10521/91; A-7838)	
5300.460	am	(P-10521/91; A-7838)	
5300.550	r	(P-10521/91; A-7838)	
5300.560	am	(P-10521/91; A-7838)	
5300.570	r	(P-10521/91; A-7838)	
5300.610	am	(P-10521/91; A-7838)	
5300.620	am	(P-10521/91; A-7838)	
5300.630	am	(P-10521/91; A-7838)	
5300.640	am	(P-10521/91; A-7838)	
5300.650	am	(P-10521/91; A-7838)	
5300.660	am	(P-10521/91; A-7838)	
5300.720	am	(P-10521/91; A-7838)	
5300.730	am	(P-10521/91; A-7838)	
5300.735	n	(P-10521/91; A-7838)	
5300.745	n	(P-10521/91; A-7838)	
5300.750	am	(P-10521/91; A-7838)	
5300.760	am	(P-10521/91; A-7838)	
5300.765	n	(P-10521/91; A-7838)	
5300.770	r	(P-10521/91; A-7838)	
5300.782	r	(P-10521/91; A-7838)	
5300.783	r	(P-10521/91; A-7838)	
5300.784	r	(P-10521/91; A-7838)	
5300.785	r	(P-10521/91; A-7838)	
5300.786	r	(P-10521/91; A-7838)	
5300.787	r	(P-10521/91; A-7838)	
5300.825	am	(P-10521/91; A-7838)	
5300.865	am	(P-10521/91; A-7838)	
5300.920	am	(P-10521/91; A-7838)	
5300.930	am	(P-10521/91; A-7838)	
5300.940	am	(P-10521/91; A-7838)	
5300.950	am	(P-10521/91; A-7838)	
5300.960	am	(P-10521/91; A-7838)	
5300.1145	n	(P-10521/91; A-7838)	
5300.1150	am	(P-10521/91; A-7838)	
5300.1160	am	(P-10521/91; A-7838)	
5400.110	am	(P-1490; A-8529)	
		(E-1693)	
TITLE 59			
101.100	n	(P-14363/91; A-2137)	
		(E-14663/91)	
103.10	am	(P-14078)	
103.11	n	(P-14078)	
103.15	n	(P-14078)	
103.20	am	(P-14078)	
103.25	n	(P-14078)	
103.30	n	(P-14078)	
103.40	r	(P-14078)	
103.50	r	(P-14078)	
103.60	n	(P-14078)	
103.65	r	(P-14078)	
103.70	am	(P-14078)	
103.80	am	(P-14078)	
103.90	am	(E-2643) (P-14078)	
103.95	n	(P-14078)	
103.100	am	(P-14078)	
103.110	am	(P-14078)	
103.120	am	(P-14078)	
103.130	am	(P-14078)	
103.140	r	(P-14078)	
103.150	am	(P-14078)	
103.160	am	(P-14078)	
103.165	n	(P-14078)	
103.170	am	(P-14078)	
103.180	am	(P-14078)	
103.190	am	(P-14078)	
103.200	r	(P-14078)	
103.210	n	(P-14078)	
115.320	am	(E-2676)	
119.260	am	(E-2662)	
120.70	am	(E-2652)	
125.70	am	(E-2672)	
130.10	r	(P-8842)	
130.11	r	(P-8842)	
130.15	r	(P-8842)	
130.20	r	(P-8842)	
130.30	r	(P-8842)	
130.40	r	(P-8842)	
130.50	r	(P-8842)	
130.51	r	(P-8842)	
130.60	r	(P-8842)	
130.70	r	(P-8842)	

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130.80	r	(P-8842)	(P-7;A-9006;RC-8252)
130.100	r	(P-8842)	(E-211)
130.105	r	(P-8842)	(P-7;A-9006;RC-8252)
130.110	am	(E-2656)	(E-211)
130.110	r	(P-8842)	(P-7;A-9006;RC-8252)
130.120	r	(P-8842)	(E-211)
130.130	r	(P-8842)	(P-7;A-9006;RC-8252)
130.140	r	(P-8842)	(E-211)
130.150	r	(P-8842)	(P-7;A-9006;RC-8252)
130.160	r	(P-8842)	(E-211)
130.170	r	(P-8842)	(P-7;A-9006;RC-8252)
130.180	r	(P-8842)	(E-211)
130.190	r	(P-8842)	(P-7;A-9006;RC-8252)
130.200	r	(P-8842)	(E-211)
130.210	r	(P-8842)	(P-7;A-9006;RC-8252)
130.220	r	(P-8842)	(E-211)
130.230	r	(P-8842)	(P-7;A-9006;RC-8252)
130.240	r	(P-8842)	(E-211)
130.250	r	(P-8842)	(P-7;A-9006;RC-8252)
130.Tb.A	r	(P-8842)	(E-211)
130.Tb.B	r	(P-8842)	(P-7;A-9006;RC-8252)
132.10	n	(P-7;A-9006;RC-8252)	(E-211)
132.15	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.20	n	(E-211)	(E-211)
132.25	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.30	n	(E-211)	(E-211)
132.35	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.40	n	(E-211)	(E-211)
132.45	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.50	n	(E-211)	(E-211)
132.55	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.60	n	(E-211)	(E-211)
132.65	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
132.70	n	(E-211)	(E-211)
132.75	n	(P-7;A-9006;RC-8252)	(P-7;A-9006;RC-8252)
135.30	am	(E-2648)	(E-211)
400.10	n	(P-7;A-9006;RC-8252)	(P-2648)
400.20	n	(E-211)	(P-11996)

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400.30	n	(P-11996)	240.1130	am	(P-3282)
400.40	n	(P-11996)	240.1150	am	(P-3282)
400.50	n	(P-11996)	240.1160	r	(P-3282)
400.60	n	(P-11996)	240.1160	n	(P-3282)
400.70	n	(P-11996)	240.1170	am	(P-3282)
400.80	n	(P-11996)	240.1180	r	(P-3282)
400.90	n	(P-11996)	240.1400	r	(P-14365/91; P-14679/91; A-2576)
400.100	n	(P-11996)	240.1400	n	(P-14365/91; P-14679/91; A-2576)
400.110	n	(P-11996)	240.1405	r	(P-14365/91; P-14679/91; A-2576)
400.120	n	(P-11996)	240.1410	r	(P-14365/91; P-14679/91; A-2576)
			240.1410	n	(P-14365/91; P-14679/91; A-2576)
			240.1420	r	(P-14365/91; P-14679/91; A-2576)
			240.1420	n	(P-14365/91; P-14679/91; A-2576)
			240.1430	r	(P-14365/91; P-14679/91; A-2576)
			240.1430	am	(P-3282)
			240.1440	r	(P-14365/91; P-14679/91; A-2576)
			240.1440	n	(P-14365/91; P-14679/91; A-2576)
			240.1450	r	(P-14365/91; P-14679/91; A-2576)
			240.1450	am	(P-14365/91; P-14679/91; A-2576)
			240.1460	r	(P-14365/91; P-14679/91; A-2576)
			240.1460	am	(P-14365/91; P-14679/91; A-2576)
			240.995	r	(P-14365/91; P-14679/91; A-2576)
			240.1110	am	(P-3282)

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1330.55	am	(P-5746)	2000.45	am	(P-1511; A-10068)
1330.70	am	(P-5746)	2000.100	am	(P-1511; A-10068)
1330.75	n	(P-5746)	2000.210	am	(P-1511; A-10068)
1330.80	am	(P-5746)	2000.245	am	(P-1511)
1330.90	am	(P-5746)	2000.250	am	(P-1511; A-10068)
1330.91	am	(P-5746)	2000.320	am	(P-1511; A-10068)
1330.92	am	(P-5746)	2000.340	am	(P-1511; A-10068)
1330.93	am	(P-5746)	2000.410	am	(P-1511; A-10068)
1330.94	am	(P-5746)	2000.430	am	(P-1511; A-10068)
1330.95	am	(P-5746)	2000.500	am	(P-1511; A-10068)
1330.96	am	(P-5746)	2000.520	am	(P-1511; A-10068)
1330.99	am	(P-5746)	2000.540	am	(P-1511; A-10068)
1330.100	am	(P-5746)	2300.10	n	(P-2310; A-8178)
1330.110	am	(P-5746)	2300.30	n	(P-2310; A-8178)
1330.120	am	(P-5746)	2300.50	n	(P-2310; A-8178)
1330.130	am	(P-5746)	2300.70	n	(P-2310; A-8178)
1330.140	am	(P-5746)	2300.80	n	(A-8178)
1340.15	n	(P-11369/91; A-3175)	2300.90	n	(A-8178)
1340.20	am	(P-11369/91; A-3175)	TITLE 74		
1340.30	am	(P-11369/91; A-3175)	750.10	am	(P-10408)
1340.40	am	(P-11369/91; A-3175)	750.30	am	(P-10408)
1340.50	am	(P-11369/91; A-3175)	750.40	am	(P-15035/91; A-203)
1340.55	am	(P-11369/91; A-3175)			(P-10408)
1340.60	am	(P-11369/91; A-3175)	750.41	n	(P-10408)
1340.65	am	(P-11369/91; A-3175)	750.90	am	(P-10408)
1340.66	n	(P-11369/91; A-3175)	750.110	am	(P-10408)
1340.70	am	(P-11369/91; A-3175)	750.120	am	(P-10408)
1360.30	am	(P-8318; A-13281)	750.130	am	(P-10408)
1360.45	am	(P-8318; A-13281)	750.130	am	(P-10408)
1360.60	am	(P-8318; A-13281)	750. Ap A	am	(P-15035/91; A-203)
1360.70	am	(P-8318; A-13281)	750. Ap B	am	(P-10408)
1380.280	am	(P-9385)	750. Ap C	n	(P-15035/91; A-203)
1380.300	am	(P-9385)			(P-10408)
1450.175	n	(P-14375/91; A-3204)	TITLE 77		
1470.95	n	(P-18348/91; A-7009)	205.620	am	(P-3426)
1510.10	n	(P-12104) (E-12216)	200.2720	am	(P-2016)
1510.20	n	(P-12104) (E-12216)	300.110	am	(P-2034)
1510.30	n	(P-12104) (E-12216)	300.120	am	(P-4367/91; A-681)
1510.40	n	(P-12104)	300.140	am	(P-2034)
1510.50	n	(P-12104) (E-12216)	300.150	am	(P-2034)
1510.60	n	(P-12104)	300.330	am	(P-4367/91; A-681)
1510.70	n	(P-12104)			(P-2034)
TITLE 71			300.620	am	(P-4367/91; A-681)
110.10	n	(P-3689)	300.630	am	(P-2034)
110.20	n	(P-3689)	300.1010	am	(P-2034)
110.30	n	(P-3689)	300.1220	am	(P-2034)
110.40	n	(P-3689)	300.1240	am	(P-2034)
110.50	n	(P-3689)	300.2070	am	(P-2034)
110.60	n	(P-3689)			

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TITLE 62 (CONT'D)		870.515	n	(P-12094/91; A-3096)
1848.8	n	870.520	n	(P-12094/91; A-3096)
1848.9	n	870.525	n	(P-12094/91; A-3096)
1848.11	n	1130.10	n	(P-2010)
1848.12	n	1130.20	n	(P-2010)
1848.13	n	1130.30	n	(P-2010)
1848.15	n	1130.40	n	(P-2010)
1848.16	n	1130.50	n	(P-2010)
1848.17	n	1130.60	n	(P-2010)
1848.18	n	1130.70	n	(P-2010)
1848.19	n	1150.20	am	(P-2492/91; A-3143)
1848.20	n	1150.30	am	(P-2492/91; A-3143)
1848.21	n	1150.40	am	(P-2492/91; A-3143)
1848.22	n	1150.50	am	(P-2492/91; A-3143)
2501.37	n	1150.60	am	(P-2492/91; A-3143)
		1150.65	am	(P-2492/91; A-3143)
		1150.70	am	(P-2492/91; A-3143)
		1150.80	am	(P-2492/91; A-3143)
		1150.90	am	(P-2492/91; A-3143)
		1150.100	am	(P-2492/91; A-3143)
		1150.110	am	(P-2492/91; A-3143)
		1150.11.A	am	(P-2492/91; A-3143)
		1175.565	am	(P-8033; A-13276)
		1200.30	am	(P-14369/91; A-3169)
		1255.10	n	(P-17030/91; A-3194)
		1255.20	n	(P-17030/91; A-3194)
		1255.30	n	(P-17030/91; A-3194)
		1255.40	n	(P-17030/91; A-3194)
		1255.50	n	(P-17030/91; A-3194)
		1255.60	n	(P-17030/91; A-3194)
		1255.70	n	(P-17030/91; A-3194)
		1255.80	n	(P-17030/91; A-3194)
		1255.90	n	(P-17030/91; A-3194)
		1270.20	am	(P-10863)
		1275.40	am	(P-5741; A-10458)
		1275.50	am	(P-5741; A-10458)
		1275.80	n	(P-5741; A-10458)
		1310.20	am	(P-3784; A-12565)
		1310.30	am	(P-3784; A-12565)
		1310.40	am	(P-3784; A-12565)
		1310.60	am	(P-3784; A-12565)
		1310.70	am	(P-3784; A-12565)
		1310.75	am	(P-3784; A-12565)
		1310.80	am	(P-3784; A-12565)
		1310.85	am	(P-3784; A-12565)
		1310.90	am	(P-3784; A-12565)
		1330.10	am	(P-5746)
		1330.20	am	(P-5746)
		1330.30	am	(P-5746)
		1330.40	am	(P-5746)
		1330.50	am	(P-5746)
TITLE 68				
580.10	n			
580.20	n	580.20		
580.30	n			
580.40	n			
580.50	n			
750.3000	am			
750.4000	n			
750.4010	n			
870.100	n			
870.105	n			
870.110	n			
870.115	n			
870.120	n			
870.200	n			
870.210	n			
870.215	n			
870.220	n			
870.225	n			
870.230	n			
870.235	n			
870.240	n			
870.245	n			
870.300	n			
870.305	n			
870.310	n			
870.315	n			
870.320	n			
870.325	n			
870.400	n			
870.500	n			
870.505	n			
870.510	n			

TITLE 77 (CONT'D)		390,3000	am	(P-14039/91; A-5977)	(P-18407/91; RC-10502; A-14329)
300,2420	am	390,3310	am	(P-2034)	(P-18407/91; RC-10502; A-14329)
300,3060	am			(P-2034)	(P-18407/91; A-14329)
300,3100	am			(P-2034)	(P-8066)
300,3310	am	390,3510	am	(P-2034)	(P-8066)
300,3710	am	395,100	am	(P-2034)	(P-8066)
300,Ap,B	r	395,110	am	(P-2034)	(P-8066)
330,110	am	395,120	am	(P-18407/91; A-14370)	(P-8066)
330,120	am	395,130	am	(P-4338/91; A-651)	(P-8066)
330,140	am	395,140	am	(P-18407/91; A-14370)	(P-8066)
330,150	am	395,150	am	(P-18407/91; A-14370)	(P-8066)
330,330	am	395,160	am	(P-4338/91; A-651)	(P-8066)
		395,170	am	(P-18407/91; A-14370)	(P-8066)
330,11970	am	395,180	am	(P-18407/91; A-14370)	(P-8066)
330,3620	am	395,190	am	(P-18407/91; A-14370)	(P-8066)
330,4310	am	395,200	r	(P-18407/91; A-14370)	(P-8066)
330,4510	am	395,300	am	(P-18407/91; A-14370)	(P-8066)
330,Ap,B	r	395,400	am	(P-18407/91; A-14370)	(P-8066)
350,1120	am	535,10	am	(P-4280/91; A-594)	(P-10911)
350,1140	am	535,20	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,100	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,1150	am	535,150	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,330	am	535,200	am	(P-4280; A-594)	(P-10911)
		535,210	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,215	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,216	n	(P-4791)	(P-10911)
350,370	am	535,220	r	(P-18357/91; RC-10501)	(P-10911)
350,640	am	535,230	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,11230	am	535,260	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,265	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,11870	am	535,270	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,310	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,2960	am	535,315	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,320	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,3000	am	535,330	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,340	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,3310	am	535,400	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,410	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
350,4210	am	535,415	am	(P-18357/91; RC-10501; A-13910)	(P-10911)
		535,420	am	(P-4309/91; A-623)	(P-10911)
390,1120	am	535,430	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
390,140	am	535,435	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
		535,440	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
390,150	am	535,500	n	(P-18407/91; RC-10502; A-14329)	(P-10911)
		535,510	r	(P-4309/91; A-623)	(P-10911)
390,330	am	535,515	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
		535,520	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
390,640	am	535,530	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
390,1040	am	535,535	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
		535,540	am	(P-18407/91; RC-10502; A-14329)	(P-10911)
		535,600	am		(P-10911)

TITLE 77 (CONT'D)		682.Ap.J	r	(P-13428)
535,650	am	(P-10911)	n	(P-14389/91; A-4052)
535,750	am	(P-10911)	n	(P-14389/91; A-4052)
535,810	am	(P-10911)	n	(P-14389/91; A-4052)
535,1000	n	(P-10911)	am	(P-16874/91; RC-4556; A-5921)
630,20	am	(P-8103)	am	(P-16874/91; A-5921)
630,90	am	(P-8103)	am	(P-16874/91; A-5921)
630,200	am	(P-8103)	am	(P-16874/91; A-5921)
672,100	am	(P-9424)	am	(P-16874/91; A-5921)
672,105	am	(P-9424)	am	(P-16874/91; A-5921)
672,200	am	(P-9424)	am	(P-16874/91; A-5921)
672,205	am	(P-9424)	am	(P-16874/91; A-5921)
672,210	am	(P-9424)	am	(P-16874/91; A-5921)
672,215	am	(P-9424)	am	(P-16874/91; A-5921)
672,225	am	(P-9424)	am	(P-16874/91; A-5921)
672,300	am	(P-9424)	am	(P-16874/91; A-5921)
672,400	am	(P-9424)	am	(P-16874/91; A-5921)
672,415	am	(P-9424)	am	(P-16874/91; A-5921)
672,420	am	(P-9424)	am	(P-16874/91; A-5921)
672,450	am	(P-9424)	am	(P-16874/91; A-5921)
672,505	am	(P-9424)	am	(P-16874/91; A-5921)
672,510	am	(P-9424)	am	(P-16874/91; A-5921)
672,515	am	(P-9424)	am	(P-16874/91; A-5921)
672,615	am	(P-9424)	am	(P-16874/91; A-5921)
672,625	am	(P-9424)	am	(P-16874/91; A-5921)
672.Ap.A	am	(P-9424)	am	(P-16874/91; A-5921)
682,100	am	(P-13428)	am	(P-16874/91; A-5921)
682,130	am	(P-13428)	am	(P-16874/91; A-5921)
682,140	am	(P-13428)	am	(P-16874/91; A-5921)
682,150	am	(P-13428)	am	(P-16874/91; A-5921)
682,170	am	(P-13428)	am	(P-16874/91; A-5921)
682,195	n	(P-13428)	am	(P-16874/91; A-5921)
682,200	am	(P-13428)	am	(P-16874/91; A-5921)
682,210	am	(P-13428)	am	(P-16874/91; A-5921)
682,215	n	(P-13428)	am	(P-16874/91; A-5921)
682,230	am	(P-13428)	am	(P-16874/91; A-5921)
682,250	am	(P-13428)	am	(P-16874/91; A-5921)
682,260	am	(P-13428)	am	(P-16874/91; A-5921)
682,320	am	(P-13428)	am	(P-16874/91; A-5921)
682,410	am	(P-13428)	am	(P-16874/91; A-5921)
682,420	am	(P-13428)	am	(P-16874/91; A-5921)
682,450	am	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.A	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.B	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.C	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.D	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.E	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.F	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.G	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.H	r	(P-13428)	am	(P-16874/91; A-5921)
682.Ap.I	r	(P-13428)	am	(P-16874/91; A-5921)

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TITLE 77 (CONT'D)					
760.2000	n	(P-5861)	790.760	am	(P-4782; A-12913) (E-4899)
760.2010	n	(P-5861)	790.780	am	(P-4782; A-12913) (E-4899)
760.2020	n	(P-5861)	790.788	am	(P-4782; A-12913) (E-4899)
760.2031	n	(P-5861)			(E-4899)
760.2032	n	(P-5861)			(P-8329) (E-8571)
760.2040	n	(P-5861)	790.799	am	(P-15943/91; A-5941; C-7512)
760.2041	n	(P-5861)			(P-4782; A-12913)
760.2042	n	(P-5861)			(E-4899) (P-8329)
760.2050	n	(P-5861)			(E-8571)
760.2070	n	(P-5861)	790.820	am	(P-4782; A-12913) (E-4899)
760.2080	n	(P-5861)	790.830	am	(P-4782; A-12913) (E-4899)
760.3000	n	(P-5861)	790.860	am	(P-4782; A-12913) (E-4899)
760.3100	n	(P-5861)	790.900	am	(P-4782; A-12913) (E-4899)
760.3200	n	(P-5861)	790.910	am	(P-4782; A-12913) (E-4899)
770.10	r	(P-5885)	790.920	am	(P-15943/91; A-5941; C-7512)
770.20	r	(P-5885)			(P-4782; A-12913) (E-4899)
770.30	r	(P-5885)			(P-4782; A-12913) (E-4899)
790.40	am	(P-15943/91; A-5941; C-7512)	790.980	am	(P-4782; A-12913) (E-4899)
790.480	am	(P-4782; A-12913) (E-4899)	790.1060	am	(P-4782; A-12913) (E-4899)
790.500	am	(P-4782; A-12913) (E-4899)	790.1112	am	(P-4782; A-12913) (E-4899)
790.540	am	(P-4782; A-12913) (E-4899)	790.1120	am	(P-4782; A-12913) (E-4899)
790.548	am	(P-4782; A-12913) (E-4899)	790.1140	am	(P-4782; A-12913) (E-4899)
790.580	am	(P-4782; A-12913) (E-4899)	790.1300	am	(P-4782; A-12913) (E-4899)
790.600	am	(P-15943/91; A-5941; C-7512)	790.1345	am	(P-4782; A-12913) (E-4899)
790.620	am	(P-4782; A-12913) (E-4899) (P-8329)	790.1350	am	(P-4782; A-12913) (E-4899)
790.660	am	(E-8571)			(P-15943/91; A-5941; C-7512)
790.700	am	(P-4782; A-12913) (E-4899)	790.1388	n	(P-4782; A-12913) (E-4899)
790.706	am	(P-4782; A-12913) (E-4899)			(P-4782; A-12913) (E-4899)
790.721	am	(P-4782; A-12913) (E-4899)	790.1420	am	(P-15943/91; A-5941; C-7512) (P-8329)
790.740	am	(P-4782; A-12913) (E-4899) (P-8329)	790.1460	am	(E-8571) (P-4782; A-12913) (E-4899)

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TITLE 77 (CONT'D)					
790.1490	am	(P-4782; A-12913) (E-4899)	790.2380	am	(P-4782; A-12913) (E-4899)
790.1500	am	(P-4782; A-12913) (E-4899)	790.2390	am	(P-4782; A-12913) (E-4899)
790.1540	am	(P-4782; A-12913) (E-4899)	790.2470	am	(P-4782; A-12913) (E-4899)
790.1560	am	(P-4782; A-12913) (E-4899)	790.2485	am	(P-15943/91; A-5941; C-7512)
790.1570	am	(P-4782; A-12913) (E-4899)	790.2500	am	(P-4782; A-12913) (E-4899)
		(P-4782; A-12913) (E-4899)	790.2510	am	(P-4782; A-12913) (E-4899)
790.1660	am	(P-8329) (E-8571) (P-4782; A-12913)	790.2540	am	(P-4782; A-12913) (E-4899)
790.1685	am	(P-4782; A-12913) (E-4899)	790.2580	am	(P-4782; A-12913) (E-4899)
790.1700	am	(P-4782; A-12913) (E-4899)			(P-15943/91; A-5941; C-7512)
790.1710	am	(P-4782; A-12913) (E-4899)	790.2603	am	(P-4782; A-12913) (E-4899)
790.1740	am	(P-4782; A-12913) (E-4899)	790.2605	am	(P-4782; A-12913) (E-4899)
790.1820	am	(P-4782; A-12913) (E-4899)	790.2613	am	(P-15943/91; A-5941; C-7512)
790.1830	n	(P-4782; A-12913) (E-4899)			(P-4782; A-12913) (E-4899)
790.1835	n	(P-8329) (E-8571) (P-4782; A-12913)	790.2617	am	(P-4782; A-12913) (E-4899)
790.1860	am	(P-4782; A-12913) (E-4899)	790.2618	am	(P-4782; A-12913) (E-4899)
790.1950	am	(P-15943/91; A-5941; C-7512) (P-4782; A-12913)	790.2620	am	(P-4782; A-12913) (E-4899)
		(P-4782; A-12913) (E-4899)	790.2661	am	(P-4782; A-12913) (E-4899)
790.1980	am	(P-4782; A-12913) (E-4899)	790.2780	am	(P-4782; A-12913) (E-4899)
790.2020	am	(P-4782; A-12913) (E-4899)	790.2805	am	(P-15943/91; A-5941; C-7512) (P-8329)
790.2060	am	(P-8329) (E-8571) (P-4782; A-12913)			(E-8571)
790.2097	am	(P-4782; A-12913) (E-4899)	790.2900	am	(P-4782; A-12913) (E-4899)
790.2100	am	(P-4782; A-12913) (E-4899)	790.2902	am	(P-4782; A-12913) (E-4899)
790.2140	am	(P-4782; A-12913) (E-4899)	790.2904	am	(P-4782; A-12913) (E-4899)
790.2155	am	(P-4782; A-12913) (E-4899)	790.2980	am	(P-4782; A-12913) (E-4899)
790.2180	am	(P-4782; A-12913) (E-4899)	790.3020	am	(P-4782; A-12913) (E-4899)
790.2260	am	(P-4782; A-12913) (E-4899)	790.3021	am	(P-4782; A-12913) (E-4899)

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TITLE 77 (CONT'D)			TITLE 77 (CONT'D)		
790.3027	am	(P-15943/91; A-5941)	790.3907	am	(P-4782; A-12913)
790.3029	am	(P-4782; A-12913)	790.3910	am	(E-4899)
790.3049	am	(E-4899)			(P-4782; A-12913)
790.3054	am	(P-4782; A-12913)	790.3940	am	(P-15943/91; A-5941; C-7512)
790.3085	am	(E-4899)	790.3945	am	(P-4782; A-12913)
790.3100	am	(P-4782; A-12913)			(E-4899)
790.3260	am	(E-4899)			(P-4782; A-12913)
790.3300	am	(P-4782; A-12913)	790.3980	am	(E-4899)
790.3308	am	(E-4899)	790.3996	am	(E-8571)
790.3315	am	(P-4782; A-12913)	790.4012	am	(P-4782; A-12913)
790.3335	am	(E-4899)	790.4040	am	(E-4899)
790.3340	am	(P-4782; A-12913)			(P-4782; A-12913)
790.3420	am	(E-4899)	790.4060	am	(P-15943/91; A-5941; C-7512)
790.3437	am	(P-4782; A-12913)	790.4100	am	(P-4782; A-12913)
790.3472	am	(E-4899)	790.4140	am	(E-4899)
790.3480	n	(P-8329; E-8571)			(P-4782; A-12913)
790.3492	am	(P-4782; A-12913)	790.4173	am	(E-4899)
790.3495	n	(E-4899)	790.4180	am	(P-4782; A-12913)
790.3540	am	(P-4782; A-12913)	790.4220	am	(E-4899)
790.3620	am	(P-4782; A-12913)	790.4260	am	(E-4899)
790.3700	am	(E-4899)	790.4300	am	(P-4782; A-12913)
790.3742	am	(P-4782; A-12913)	790.4385	am	(E-4899)
790.3780	am	(E-4899)	790.4386	am	(P-4782; A-12913)
790.3860	am	(P-4782; A-12913)	790.4396	am	(P-4782; A-12913)
790.3875	n	(E-4899)	790.4398	am	(E-4899)
			790.4420	am	(P-4782; A-12913)
			790.4580	am	(E-4899)
					(P-4782; A-12913)
					(E-4899)

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790.6260	am	(P-4782; A-12913) (E-4899)	790.6860	am	(P-4782; A-12913) (E-4899)
790.6275	am	(P-4782; A-12913) (E-4899)	790.6875	am	(P-4782; A-12913) (E-4899)
790.6277	am	(P-4782; A-12913) (E-4899)	790.6885	am	(P-4782; A-12913) (E-4899)
790.6280	r	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.6895	am	(P-4782; A-12913) (E-4899)
790.6300	am	(P-4782; A-12913) (E-4899)	790.6940	am	(P-4782; A-12913) (E-4899)
790.6340	am	(P-4782; A-12913) (E-4899)	790.6960	am	(P-4782; A-12913) (E-4899)
790.6370	am	(P-4782; A-12913) (E-4899)	790.6980	am	(P-4782; A-12913) (E-4899)
		(P-15943/91; A-5941; C-7512) (P-8329)	790.7100	am	(P-4782; A-12913) (E-4899)
790.6375	am	(P-4782; A-12913) (E-4899)	790.7120	am	(P-4782; A-12913) (E-4899)
790.6420	am	(P-4782; A-12913) (E-4899)	790.7130	am	(P-4782; A-12913) (E-4899)
790.6430	am	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.7140	am	(P-4782; A-12913) (E-4899)
790.6452	am	(P-4782; A-12913) (E-4899)	790.7180	am	(P-4782; A-12913) (E-4899)
790.6456	am	(P-4782; A-12913) (E-4899)	790.7229	am	(P-4782; A-12913) (E-4899)
790.6460	am	(P-4782; A-12913) (E-4899)	790.7260	am	(P-4782; A-12913) (E-4899)
790.6480	am	(P-4782; A-12913) (E-4899)	790.7263	n	(P-4782; A-12913) (E-4899)
790.6500	am	(P-4782; A-12913) (E-4899)	790.7265	am	(P-4782; A-12913) (E-4899)
790.6540	am	(P-4782; A-12913) (E-4899)	790.7280	am	(P-4782; A-12913) (E-4899)
790.6570	r	(P-4782; A-12913) (E-4899)	790.7291	am	(P-4782; A-12913) (E-4899)
790.6580	am	(P-4782; A-12913) (E-4899)	790.7296	am	(P-4782; A-12913) (E-4899)
790.6610	am	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.7380	am	(P-4782; A-12913) (E-4899)
790.6670	am	(P-4782; A-12913) (E-4899)	790.7400	am	(P-4782; A-12913) (E-4899)
790.6780	am	(P-4782; A-12913) (E-4899)	790.7420	am	(P-4782; A-12913) (E-4899)
790.6800	am	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.7500	am	(P-4782; A-12913) (E-4899)
790.6820	am	(P-4782; A-12913) (E-4899)	790.7510	am	(P-4782; A-12913) (E-4899)

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TITLE 77 (CONT'D)

790.7540	am	(P-4782; A-12913) (E-4899)	790.8724	am	(P-4782; A-12913) (E-4899)
790.7580	am	(P-4782; A-12913) (E-4899)	790.8740	am	(P-4782; A-12913) (E-4899)
790.7700	am	(P-4782; A-12913) (E-4899)	790.8780	am	(P-4782; A-12913) (E-4899)
790.7740	am	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.8820	am	(P-4782; A-12913) (E-4899)
790.7820	am	(P-4782; A-12913) (E-4899)	790.8900	am	(P-4782; A-12913) (E-4899)
790.7828	am	(P-4782; A-12913) (E-4899)	790.8940	am	(P-4782; A-12913) (E-4899)
790.7834	am	(P-4782; A-12913) (E-4899)	790.8980	am	(P-4782; A-12913) (E-4899)
790.7860	am	(P-4782; A-12913) (E-4899)	790.9020	am	(P-4782; A-12913) (E-4899)
790.7940	am	(P-4782; A-12913) (E-4899)	790.9035	am	(P-4782; A-12913) (E-4899)
790.7980	am	(P-4782; A-12913) (E-4899)	790.9045	am	(P-4782; A-12913) (E-4899)
790.8015	am	(P-4782; A-12913) (E-4899)	790.9048	am	(P-4782; A-12913) (E-4899)
790.8020	am	(P-4782; A-12913) (E-4899)	790.9050	am	(P-15943/91; A-5941; C-7512) (P-8329)
790.8030	am	(P-8329) (E-8571) (P-4782; A-12913) (E-4899)	790.9056	am	(P-4782; A-12913) (E-8571)
790.8106	am	(P-4782; A-12913) (E-4899)	790.9060	am	(P-4782; A-12913) (E-4899)
790.8136	am	(P-4782; A-12913) (E-4899)	790.9070	n	(P-8329) (E-8571)
790.8248	am	(P-4782; A-12913) (E-4899)	790.9084	am	(P-4782; A-12913) (E-4899)
790.8300	am	(P-4782; A-12913) (E-4899)	790.9100	am	(P-4782; A-12913) (E-4899)
790.8420	am	(P-4782; A-12913) (E-4899)	790.9140	am	(P-4782; A-12913) (E-4899)
790.8540	am	(P-4782; A-12913) (E-4899)	790.9180	am	(P-4782; A-12913) (E-4899)
790.8580	am	(P-4782; A-12913) (E-4899)	790.9220	am	(P-4782; A-12913) (E-4899)
790.8620	am	(P-15943/91; A-5941; C-7512) (P-8329)	790.9260	am	(P-4782; A-12913) (E-4899)
790.8700	am	(P-4782; A-12913) (E-4899)	790.9300	am	(P-4782; A-12913) (E-4899)
790.8710	am	(P-4782; A-12913) (E-4899)	790.9340	am	(P-4782; A-12913) (E-4899)

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TITLE 77 (CONT'D)			
2056.20	am	(P-4567)	2080.50
2056.25	am	(P-4567)	2080.60
2056.30	am	(P-4567)	2080.70
2056.35	am	(P-4567)	2080.80
2056.40	am	(P-4567)	2080.120
2056.45	am	(P-4567)	2080.140
2056.50	am	(P-4567)	2080.150
2056.55	#	(P-4567)	2080.160
2056.60	am	(P-4567)	2080.170
2056.65	#	(P-4567)	2090.20
2056.70	am	(P-4567)	2090.40
2056.75	am	(P-4567)	2090.70
2056.80	am	(P-4567)	2090.100
2056.85	#	(P-4567)	2510.50
2056.90	am	(P-4567)	2510.60
2056.95	am	(P-4567)	2510.70
2057.00	am	(P-4567)	.Ap.B
2057.05	am	(P-4567)	.Ap.C
2057.10	am	(P-4567)	3000.200
2057.15	am	(P-4567)	3000.210
2057.20	am	(P-4567)	3000.230
2057.25	am	(P-4567)	3000.Ap.A
2057.30	am	(P-4567)	3000.Ap.B
2057.35	am	(P-4567)	TITLE 80
2057.40	am	(P-4567)	150.410
2057.45	am	(P-4567)	150.420
2057.50	am	(P-4567)	150.430
2057.55	am	(P-4567)	302.80
2057.60	am	(P-4567)	302.150
2057.65	n	(P-4567)	302.325
2057.70	am	(P-4567)	n
2057.75	am	(P-4567)	302.822
2057.80	am	(P-4567)	303.102
2057.85	r	(P-4567)	303.115
2057.90	n	(P-4567)	303.125
2057.95	n	(P-4567)	303.175
2058.00	n	(P-4567)	303.290
2058.05	n	(P-4567)	303.385
2058.10	n	(P-4567)	304.51
2058.15	n	(P-4567)	310.100
2058.20	n	(P-4567)	310.110
2058.25	n	(P-4567)	310.130
2058.30	am	(P-11367)	310.230
2058.35	am	(P-11367)	310.280
2058.40	am	(P-11367)	am

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TITLE 77 (CONT'D)			2030.1090			n		
2030.520	n	(P-9083/91; A-2457)	2030.1110	r	(P-9153/91; A-2530)	2030.1110	r	(P-9083/91; A-2457)
2030.530	n	(P-9083/91; A-2457)	2030.1110	n	(P-9083/91; A-2457)	2030.1110	n	(P-9083/91; A-2457)
2030.540	n	(P-9083/91; A-2457)	2030.1120	r	(P-9153/91; A-2530)	2030.1120	r	(P-9153/91; A-2530)
2030.550	n	(P-9083/91; A-2457)	2030.1120	n	(P-9083/91; A-2457)	2030.1120	n	(P-9083/91; A-2457)
2030.610	r	(P-9153/91; A-2530)	2030.1130	r	(P-9153/91; A-2530)	2030.1130	r	(P-9153/91; A-2530)
2030.610	n	(P-9083/91; A-2457)	2030.1130	n	(P-9083/91; A-2457)	2030.1130	n	(P-9083/91; A-2457)
2030.620	r	(P-9153/91; A-2530)	2030.1140	r	(P-9153/91; A-2530)	2030.1140	r	(P-9153/91; A-2530)
2030.620	n	(P-9083/91; A-2457)	2030.1140	n	(P-9083/91; A-2457)	2030.1140	n	(P-9083/91; A-2457)
2030.630	r	(P-9153/91; A-2530)	2030.1150	n	(P-9153/91; A-2530)	2030.1150	n	(P-9083/91; A-2457)
2030.640	r	(P-9153/91; A-2530)	2030.1160	n	(P-9153/91; A-2530)	2030.1160	n	(P-9083/91; A-2457)
2030.710	r	(P-9153/91; A-2530)	2030.1205	n	(P-9153/91; A-2530)	2030.1205	n	(P-9083/91; A-2457)
2030.710	n	(P-9083/91; A-2457)	2030.1210	n	(P-9083/91; A-2457)	2030.1210	n	(P-9153/91; A-2530)
2030.720	n	(P-9153/91; A-2530)	2030.1210	n	(P-9153/91; A-2530)	2030.1210	n	(P-9083/91; A-2457)
2030.720	n	(P-9083/91; A-2457)	2030.1215	r	(P-9083/91; A-2457)	2030.1215	r	(P-9083/91; A-2457)
2030.730	r	(P-9153/91; A-2530)	2030.1220	r	(P-9153/91; A-2530)	2030.1220	r	(P-9153/91; A-2530)
2030.730	n	(P-9083/91; A-2457)	2030.1220	n	(P-9083/91; A-2457)	2030.1220	n	(P-9083/91; A-2457)
2030.740	r	(P-9153/91; A-2530)	2030.1225	n	(P-9153/91; A-2530)	2030.1225	n	(P-9153/91; A-2530)
2030.740	n	(P-9083/91; A-2457)	2030.1225	n	(P-9083/91; A-2457)	2030.1225	n	(P-9083/91; A-2457)
2030.750	r	(P-9153/91; A-2530)	2030.1230	n	(P-9153/91; A-2530)	2030.1230	n	(P-9153/91; A-2530)
2030.750	n	(P-9083/91; A-2457)	2030.1230	n	(P-9083/91; A-2457)	2030.1230	n	(P-9083/91; A-2457)
2030.760	r	(P-9153/91; A-2530)	2030.1240	r	(P-9153/91; A-2530)	2030.1240	r	(P-9153/91; A-2530)
2030.760	n	(P-9083/91; A-2457)	2030.1245	n	(P-9083/91; A-2457)	2030.1245	n	(P-9083/91; A-2457)
2030.810	r	(P-9153/91; A-2530)	2030.1250	r	(P-9153/91; A-2530)	2030.1250	r	(P-9153/91; A-2530)
2030.810	n	(P-9083/91; A-2457)	2030.1250	n	(P-9083/91; A-2457)	2030.1250	n	(P-9083/91; A-2457)
2030.820	r	(P-9153/91; A-2530)	2030.1255	n	(P-9153/91; A-2530)	2030.1255	n	(P-9083/91; A-2457)
2030.820	n	(P-9083/91; A-2457)	2030.1260	n	(P-9083/91; A-2457)	2030.1260	n	(P-9153/91; A-2530)
2030.830	n	(P-9083/91; A-2457)	2030.1265	n	(P-9083/91; A-2457)	2030.1265	n	(P-9083/91; A-2457)
2030.840	n	(P-9083/91; A-2457)	2030.1270	r	(P-9083/91; A-2457)	2030.1270	r	(P-9153/91; A-2530)
2030.850	n	(P-9083/91; A-2457)	2030.1310	r	(P-9083/91; A-2457)	2030.1310	r	(P-9153/91; A-2530)
2030.910	r	(P-9153/91; A-2530)	2030.1310	n	(P-9153/91; A-2530)	2030.1310	n	(P-9083/91; A-2457)
2030.910	n	(P-9083/91; A-2457)	2030.1320	n	(P-9153/91; A-2530)	2030.1320	n	(P-9083/91; A-2457)
2030.920	r	(P-9153/91; A-2530)	2030.1330	r	(P-9153/91; A-2530)	2030.1330	r	(P-9083/91; A-2457)
2030.930	r	(P-9153/91; A-2530)	2030.1340	r	(P-9153/91; A-2530)	2030.1340	r	(P-9153/91; A

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TITLE 89 (CONT'D)		(P-12838)	am	140.570
140.12	am	(P-12838)	am	140.571
140.13	am	(P-12838)	am	140.572
140.14	am	(P-12838)	am	140.573
140.15	am	(P-12838)	am	140.574
140.16	am	(P-3409; A-12186)	am	140.579
140.17	am	(P-8047)		
140.19	am	(P-4708)	r	140.580
140.27	am	(P-65; A-10050) (E-300)	r	140.581
140.31	n	(P-11721)	am	140.583
		(E-11947)	n	140.600
140.32	n	(P-4708)	n	140.602
140.33	n	(P-4708)	n	140.604
140.94	n	(P-15933/91; A-6408)	n	140.606
140.95	n	(P-15933/91; A-6408)	n	140.608
140.420	am	(P-10145; W-14476)	n	140.610
140.421	am	(P-7576) (P-10145; W-14476)	n	140.612
		(P-6719)	am	140.614
140.413	am	(P-12171/91; A-4006)	am	140.646
140.441	am	(P-12171/91; A-4006)	am	140.700
140.442	am	(P-12171/91; A-4006)	am	140.835
140.449	am	(P-13685/91; A-3552)	r	140.7b.J
140.469	am	(P-13397)	r	141.100
140.492	am	(P-13274/91; A-6849)	r	141.100
140.512	am	(P-13274/91; A-6849)	r	141.200
140.513	r	(P-11555/91; A-4006)	r	141.240
140.514	am	(P-13211) (E-13337)	r	141.280
140.525	am	(P-472; W-14477)	r	141.320
140.526	r	(P-9393)	r	141.360
		(P-472; W-14477)	r	141.400
140.527	r	(P-9393)	r	141.440
		(P-472; W-14477)	r	141.480
140.528	r	(P-9393)	r	141.520
		(P-472; W-14477)	r	141.560
140.529	r	(P-472; W-14477)	r	141.600
		(P-9393)	r	141.640
140.530	am	(P-15933/91; A-6408)	r	141.680
140.538	am	(P-15933/91; A-6408)	r	141.720
		(P-13211) (E-13337)	r	141.760
140.539	am	(P-472; A-11174)	r	141.800
140.543	am	(P-3045; A-12186)	r	141.840
140.552	am	(P-15933/91; A-6408)	r	141.880
140.560	am	(P-5585/91; A-7017)	r	141.920
		(P-12838)	r	141.960
140.561	am	(P-7482/91; A-3552)	r	141.1000
140.562	am	(P-15933/91; A-6408)	r	141.1040
140.565	n	(P-1492; A-12186)	r	141.1080
140.566	am	(P-4708)	r	141.1120
140.569	am	(P-15933/91; A-6408; RQ-9138; EC-11348)	r	141.1125
			r	141.1160
			r	141.1200

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TITLE 89 (CONT'D)		(P-12132/91; A-7922)	141.3240	r	(P-12132/91; A-7922)
141.1240	r	(P-12132/91; A-7922)	141.3280	r	(P-12132/91; A-7922)
141.1280	r	(P-12132/91; A-7922)	141.3320	r	(P-12132/91; A-7922)
141.1320	r	(P-12132/91; A-7922)	141.3360	r	(P-12132/91; A-7922)
141.1360	r	(P-12132/91; A-7922)	141.3400	r	(P-12132/91; A-7922)
141.1400	r	(P-12132/91; A-7922)	141.3440	r	(P-12132/91; A-7922)
141.1480	r	(P-12132/91; A-7922)	141.3480	r	(P-12132/91; A-7922)
141.1500	r	(P-12132/91; A-7922)	141.3520	r	(P-12132/91; A-7922)
141.1520	r	(P-12132/91; A-7922)	141.3560	r	(P-12132/91; A-7922)
141.1560	r	(P-12132/91; A-7922)	141.3600	r	(P-12132/91; A-7922)
141.1600	r	(P-12132/91; A-7922)	141.3640	r	(P-12132/91; A-7922)
141.1640	r	(P-12132/91; A-7922)	141.3680	r	(P-12132/91; A-7922)
141.1680	r	(P-12132/91; A-7922)	141.3720	r	(P-12132/91; A-7922)
141.1720	r	(P-12132/91; A-7922)	141.3760	r	(P-12132/91; A-7922)
141.1760	r	(P-12132/91; A-7922)	141.3800	r	(P-12132/91; A-7922)
141.1800	r	(P-12132/91; A-7922)	141.3840	r	(P-12132/91; A-7922)
141.1840	r	(P-12132/91; A-7922)	141.3880	r	(P-12132/91; A-7922)
141.1880	r	(P-12132/91; A-7922)	141.3920	r	(P-12132/91; A-7922)
141.1920	r	(P-12132/91; A-7922)	141.3960	r	(P-12132/91; A-7922)
141.1960	r	(P-12132/91; A-7922)	141.4000	r	(P-12132/91; A-7922)
141.2000	r	(P-12132/91; A-7922)	141.4040	r	(P-12132/91; A-7922)
141.2040	r	(P-12132/91; A-7922)	141.4080	r	(P-12132/91; A-7922)
141.2080	r	(P-12132/91; A-7922)	141.4120	r	(P-12132/91; A-7922)
141.2120	r	(P-12132/91; A-7922)	141.4160	r	(P-12132/91; A-7922)
141.2160	r	(P-12132/91; A-7922)	141.4200	r	(P-12132/91; A-7922)
141.2200	r	(P-12132/91; A-7922)	141.4230	r	(P-12132/91; A-7922)
141.2240	r	(P-12132/91; A-7922)	141.4240	r	(P-12132/91; A-7922)
141.2280	r	(P-12132/91; A-7922)	141.4280	r	(P-12132/91; A-7922)
141.2320	r	(P-12132/91; A-7922)	141.4320	r	(P-12132/91; A-7922)
141.2360	r	(P-12132/91; A-7922)	141.4360	r	(P-12132/91; A-7922)
141.2400	r	(P-12132/91; A-7922)	141.4440	r	(P-12132/91; A-7922)
141.2440	r	(P-12132/91; A-7922)	141.4480	r	(P-12132/91; A-7922)
141.2480	r	(P-12132/91; A-7922)	141.4520	r	(P-12132/91; A-7922)
141.2520	r	(P-12132/91; A-7922)	141.4560	r	(P-12132/91; A-7922)
141.2560	r	(P-12132/91; A-7922)	141.4600	r	(P-12132/91; A-7922)
141.2600	r	(P-12132/91; A-7922)	141.4640	r	(P-12132/91; A-7922)
141.2640	r	(P-12132/91; A-7922)	141.4680	r	(P-12132/91; A-7922)
141.2680	r	(P-12132/91; A-7922)	141.4720	r	(P-12132/91; A-7922)
141.2720	r	(P-12132/91; A-7922)	141.4760	r	(P-12132/91; A-7922)
141.2760	r	(P-12132/91; A-7922)	141.4800	r	(P-12132/91; A-7922)
141.2800	r	(P-12132/91; A-7922)	144.275	am	(P-15926/91; A-5898)
141.2840	r	(P-12132/91; A-7922)	144.300	n	(P-7455/91; A-3497)
141.2880	r	(P-12132/91; A-7922)	144.325	n	(P-5806; W-14475)
141.2920	r	(P-12132/91; A-7922)	144.350	n	(P-5806; W-14475)
141.2960	r	(P-12132/91; A-7922)	144.375	n	(P-5806; W-14475)
141.3000	r	(P-12132/91; A-7922)	144.400	n	(P-5806; W-14475)
141.3040	r	(P-12132/91; A-7922)	144.405	n	(P-5806; W-14475)
141.3080	r	(P-12132/91; A-7922)	144.425	n	(P-5806; W-14475)
141.3120	r	(P-12132/91; A-7922)	144.450	n	(P-5806; W-14475)
141.3160	r	(P-12132/91; A-7922)	147.25	am	(P-4218; RC-10500; A-14233)
141.3200	r	(P-12132/91; A-7922)			

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TITLE 89 (CONT'D)	147.50	am	(P-4218; RC-10500; A-14233)	148.220	am	(P-15928/91; A-6255)
				148.230	am	(P-15928/91; A-6255)
	147.75	am	(P-4218; RC-10500; A-14233)	148.240	am	(P-15928/91; A-6255)
					148.250	am
	147.100	am	(P-8906)	148.260	am	(P-15928/91; A-6255)
					148.270	am
	147.150	am	(P-15940/91; A-6479)	148.280	am	(P-15928/91; A-6255)
	147.205	am	(P-13215) (E-13361)	148.290	am	(P-15928/91; A-6255)
					148.300	am
	147.305	am	(P-8906)	148.310	am	(P-15928/91; A-6255)
	147.310	am	(P-8906)	148.320	am	(P-15928/91; A-6255)
	147.315	am	(P-8906)	148.400	n	(P-15928/91; A-6255)
	147.320	am	(P-8906)	149.5	am	(P-15931/91; A-6195)
	147.325	am	(P-8906)			(P-11717) (E-11937)
	147.340	am	(P-8906)	149.25	am	(P-15931/91; A-6195)
	147.345	am	(P-8906)	149.50	am	(P-15931/91; A-6195)
	147.350	am	(P-8906)	149.75	am	(P-15931/91; A-6195)
	147.Tb.A	am	(P-7501/91; A-4035)	149.100	am	(P-15931/91; A-6195)
	147.Tb.B	am	(P-15940/91; A-6479)	149.105	am	(P-15931/91; A-6195)
				149.125	am	(P-15931/91; A-6195)
	147.Tb.D	am	(P-7501/91; A-4035)	149.150	am	(P-15931/91; A-6195)
				149.175	r	(P-15931/91; A-6195)
	147.Tb.E	am	(P-4218; RC-10500; A-14233)	149.200	r	(P-15931/91; A-6195)
				149.205	r	(P-15931/91; A-6195)
	147.Tb.G	am	(P-4218; RC-10500; A-14233)	149.225	r	(P-15931/91; A-6195)
				149.250	r	(P-15931/91; A-6195)
	147.Tb.L	n	(P-4218; RC-10500; A-14233)	149.275	r	(P-15931/91; A-6195)
				149.300	r	(P-15931/91; A-6195)
148.20	am	(P-15928/91; A-6255)	149.325	r	(P-15931/91; A-6195)	
			150.10	n	(E-2258)	
148.40	am	(P-11719) (E-11942)	150.20	n	(E-2258)	
			150.30	n	(E-2258)	
148.60	am	(P-15928/91; A-6255)	150.30	n	(E-2258)	
148.70	am	(P-15928/91; A-6255)	150.40	n	(E-2258)	
148.80	am	(P-15928/91; A-6255)	150.50	n	(E-2258)	
			150.60	n	(E-2258)	
148.82	n	(E-11335)	160.5	am	(P-806/91; A-1852)	
			160.10	am	(P-806/91; A-1852)	
148.90	r	(P-15928/91; A-6255)	160.20	am	(P-806/91; A-1852)	
148.100	r	(P-15928/91; A-6255)	160.30	am	(P-2406; A-9997)	
148.110	r	(P-15928/91; A-6255)	160.77	n	(P-8892)	
148.120	am	(P-15928/91; A-6255)	160.85	n	(P-8892)	
148.130	am	(P-15928/91; A-6255)	230.45	am	(P-3605)	
148.140	am	(P-15928/91; A-6255)	230.570	am	(P-3605)	
148.150	am	(P-1786)	240.400	am	(E-2630) (P-11363)	
					(E-11625)	
148.160	am	(P-15928/91; A-6255)	240.415	am	(E-2630) (P-11363)	
148.170	am	(P-15928/91; A-6255)			(E-11625)	
148.180	am	(P-15928/91; A-6255)				
148.190	am	(P-15928/91; A-6255)				
148.200	am	(P-15928/91; A-6255)				
148.210	am	(P-15928/91; A-6255)				

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TITLE 89 (CONT'D)			50.140	r	(P-6139; A-13094)			
843.180	am	(P-15405/91; A-10316)	50.140	n	(P-6153; A-13096)			
845.10	am	(P-11572/91/ A-2615)	50.150	r	(P-6139; A-13094)			
845.20	am	(P-11572/91/ A-2615)	50.160	r	(P-6139; A-13094)			
845.30	am	(P-11572/91/ A-2615)	50.Ex-A	n	(P-6153; A-13096)			
845.40	am	(P-11572/91/ A-2615)	62.30	am	(P-4813; A-12608)			
900.310	am	(P-12989/91; A-5311)	97.10	n	(P-19709/91; P-10475)			
900.321	am	(P-12989/91; A-5311)	97.20	n	(P-19709/91; P-10475)			
900.322	am	(P-12989/91; A-5311)	97.30	n	(P-19709/91; P-10475)			
900.330	am	(P-12989/91; A-5311)	97.40	n	(P-19709/91; P-10475)			
900.331	am	(P-12989/91; A-5311)	97.50	n	(P-19709/91; P-10475)			
900.342	am	(P-12989/91; A-5311)	97.60	n	(P-19709/91; P-10475)			
900.343	am	(P-12989/91; A-5311)	97.70	n	(P-19709/91; P-10475)			
900.345	am	(P-12989/91; A-5311)	97.80	n	(P-19709/91; P-10475)			
900.348	am	(P-12989/91; A-5311)	97.90	n	(P-19709/91; P-10475)			
1300.110	am	(P-5141/91; A-4819)	97.100	n	(P-19709/91; P-10475)			
1300.120	am	(P-5141/91; A-4819)	97.110	n	(P-19709/91; P-10475)			
1300.130	am	(P-5141/91; A-4819)	97.120	n	(P-19709/91; P-10475)			
1300.200	am	(P-5141/91; A-4819)	97.130	n	(P-19709/91; P-10475)			
1300.205	n	(P-5141/91; A-4819)	97.140	n	(P-19709/91; P-10475)			
1300.210	am	(P-5141/91; A-4819)	171.5	n	(P-3856; A-12208)			
			171.6	am	(P-15995/91; W-2696)			
TITLE 92			171.6	#	(P-3856; A-12208)			
44.30	am	(P-4807; A-12601)	171.1000	am	(P-15995/91; W-2696)			
50.5	r	(P-6139; A-13094)			(P-3856; A-12208)			
50.10	r	(P-6139; A-13094)	172.2000	am	(P-3856; A-12208)			
50.10	n	(P-6153; A-13096)			(P-3864; A-11851)			
50.20	r	(P-6139; A-13094)	172.2215	am	(P-16003/91; W-2697)			
50.20	n	(P-6153; A-13096)			(P-3864; A-11851)			
50.30	r	(P-6139; A-13094)	173.3000	am	(P-16008/91; W-2698)			
50.30	n	(P-6153; A-13096)			(P-3869; A-11856)			
50.40	r	(P-6139; A-13094)	177.2000	am	(P-15990/91; W-2695)			
50.40	n	(P-6153; A-13096)			(P-3847; A-11843)			
50.50	r	(P-6139; A-13094)	178.336.1.1	am	(P-16015/91; W-2699)			
50.50	n	(P-6153; A-13096)			(P-3876; A-11863)			
50.60	r	(P-6139; A-13094)	178.336.1.5	am	(P-3876; A-11863)			
50.60	n	(P-6153; A-13096)			(P-3876; A-11863)			
50.70	r	(P-6139; A-13094)	178.2000	am	(P-16015/91; W-2699)			
50.70	n	(P-6153; A-13096)			(P-3876; A-11863)			
50.80	r	(P-6139; A-13094)	179.2000	am	(P-3876; A-11863)			
50.80	n	(P-6153; A-13096)			(P-3888; A-11875)			
50.90	r	(P-6139; A-13094)	180.2000	am	(P-3851; A-11847)			
50.90	n	(P-6153; A-13096)	390.1010	am	(P-7815; A-14435)			
50.100	r	(P-6139; A-13094)	390.1020	am	(P-7815; A-14435)			
50.100	n	(P-6153; A-13096)	390.2000	am	(P-7815; A-14435)			
50.110	r	(P-6139; A-13094)	391.1000	am	(P-7832)			
50.110	n	(P-6153; A-13096)	391.2000	am	(P-16653/91; A-5362)			
50.120	r	(P-6139; A-13094)			(P-7832)			
50.120	n	(P-6153; A-13096)	395.2000	am	(P-7805; A-14425)			
50.130	r	(P-6139; A-13094)	396.2010	am	(P-7811; A-14431)			
50.130	n	(P-6153; A-13096)	440.420	am	(P-13041/91; A-1655)			

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TITLE 92 (CONT'D)									
440.II.A	am	(P-13041/91; A-1655)	530.202	r	(P-3003/91; A-2256)				
440.II.B	n	(P-13041/91; A-1655)	530.203	r	(P-3003/91; A-2256)				
442.285	am	(P-13072/91; A-1685)	530.210	n	(P-2940/91; A-2193)				
442.II.A	am	(P-13072/91; A-1685)	530.220	n	(P-2940/91; A-2193)				
442.II.E	n	(P-13072/91; A-1685)	530.225	n	(P-2940/91; A-2193)				
456.50	am	(P-9453)	530.230	n	(P-2940/91; A-2193)				
456.60	am	(P-9453)	530.240	n	(P-2940/91; A-2193)				
456.70	am	(P-9453)	530.250	n	(P-2940/91; A-2193)				
456.80	n	(P-9453)	530.260	n	(P-2940/91; A-2193)				
456.90	n	(P-9453)	530.270	n	(P-2940/91; A-2193)				
530.10	n	(P-2940/91; A-2193)	530.275	n	(P-2940/91; A-2193)				
530.10	r	(P-3003/91; A-2256)	530.280	n	(P-2940/91; A-2193)				
530.20	n	(P-2940/91; A-2193)	530.290	n	(P-2940/91; A-2193)				
530.20	r	(P-3003/91; A-2256)	530.300	n	(P-2940/91; A-2193)				
530.30	n	(P-2940/91; A-2193)	530.301	r	(P-3003/91; A-2256)				
530.30	r	(P-3003/91; A-2256)	530.302	r	(P-3003/91; A-2256)				
530.30	r	(P-3003/91; A-2256)	530.303	r	(P-3003/91; A-2256)				
530.40	n	(P-2940/91; A-2193)	530.310	n	(P-2940/91; A-2193)				
530.50	n	(P-2940/91; A-2193)	530.320	n	(P-2940/91; A-2193)				
530.60	n	(P-2940/91; A-2193)	530.330	n	(P-2940/91; A-2193)				
530.100	n	(P-2940/91; A-2193)	530.400	n	(P-2940/91; A-2193)				
530.101	r	(P-3003/91; A-2256)	530.401	r	(P-3003/91; A-2256)				
530.102	r	(P-3003/91; A-2256)	530.402	r	(P-3003/91; A-2256)				
530.103	r	(P-3003/91; A-2256)	530.403	r	(P-3003/91; A-2256)				
530.104	r	(P-3003/91; A-2256)	530.410	n	(P-2940/91; A-2193)				
530.105	r	(P-3003/91; A-2256)	530.420	n	(P-2940/91; A-2193)				
530.106	r	(P-3003/91; A-2256)	530.430	n	(P-2940/91; A-2193)				
530.107	r	(P-3003/91; A-2256)	530.440	n	(P-2940/91; A-2193)				
530.108	r	(P-3003/91; A-2256)	530.450	n	(P-2940/91; A-2193)				
530.109	r	(P-3003/91; A-2256)	530.460	n	(P-2940/91; A-2193)				
530.110	n	(P-2940/91; A-2193)	530.470	n	(P-2940/91; A-2193)				
530.111	r	(P-3003/91; A-2256)	530.480	n	(P-2940/91; A-2193)				
530.112	r	(P-3003/91; A-2256)	530.500	n	(P-2940/91; A-2193)				
530.113	r	(P-3003/91; A-2256)	530.501	r	(P-3003/91; A-2256)				
530.114	r	(P-3003/91; A-2256)	530.502	r	(P-3003/91; A-2256)				
530.115	r	(P-3003/91; A-2256)	530.503	r	(P-3003/91; A-2256)				
530.116	r	(P-3003/91; A-2256)	530.510	n	(P-2940/91; A-2193)				
530.117	r	(P-3003/91; A-2256)	530.520	n	(P-2940/91; A-2193)				
530.118	r	(P-3003/91; A-2256)	530.530	n	(P-2940/91; A-2193)				
530.119	r	(P-3003/91; A-2256)	530.600	n	(P-2940/91; A-2193)				
530.120	n	(P-2940/91; A-2193)	530.601	r	(P-3003/91; A-2256)				
530.121	r	(P-3003/91; A-2256)	530.602	r	(P-3003/91; A-2256)				
530.120	r	(P-3003/91; A-2256)	530.603	r	(P-3003/91; A-2256)				
530.121	r	(P-3003/91; A-2256)	530.610	n	(P-2940/91; A-2193)				
530.122	r	(P-3003/91; A-2256)	530.700	n	(P-2940/91; A-2193)				
530.123	r	(P-3003/91; A-2256)	530.701	r	(P-3003/91; A-2256)				
530.130	n	(P-2940/91; A-2193)	530.702	r	(P-3003/91; A-2256)				
530.140	n	(P-2940/91; A-2193)	530.710	n	(P-2940/91; A-2193)				
530.150	n	(P-2940/91; A-2193)	530.800	n	(P-2940/91; A-2193)				
530.200	n	(P-2940/91; A-2193)	530.801	r	(P-3003/91; A-2256)				
530.201	r	(P-3003/91; A-2256)	530.802	r	(P-3003/91; A-2256)				

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TITLE 92 (CONT'D)		n	121.70	(P-561; A-7707)
530.803	r	n	121.80	(P-561; A-7707)
530.804	r	n	121.90	(P-561; A-7707)
530.810	n	n	121.100	(P-561; A-7707)
530.820	n	n	121.110	(P-561; A-7707)
530.830	n	n	121.120	(P-561; A-7707)
530.840	n	n	121.130	(P-561; A-7707)
530.900	n	n	121.140	(P-561; A-7707)
530.901	r	n	121.150	(P-561; A-7707)
530.902	r	n	121.160	(P-561; A-7707)
530.903	r	n	121.170	(P-561; A-7707)
530.904	r	n	121.180	(P-561; A-7707)
530.905	r	n	121.190	(P-561; A-7707)
530.906	r	n	121.200	(P-561; A-7707)
530.907	r	n	121.210	(P-561; A-7707)
530.908	r	n	121.220	(P-561; A-7707)
530.909	r	n	121.230	(P-561; A-7707)
530.II.A	n	n	122.10	(P-2113)
708.70	am	n	122.20	(P-2113)
787.10	n	n	122.30	(P-2113)
787.20	n	n	122.40	(P-2113)
787.30	n	n	122.50	(P-2113)
787.40	n	n	122.60	(P-2113)
787.50	n	n	122.70	(P-2113)